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INSTITUTE OF CRIMINOLOGY
SYDNEY UNIVERSITY LAW SCHOOL

Proceedings of a Seminar on

MEDIA EFFECTS ON ATTITUDES TO CRIME

Convenor: Stanley Yeo, LL.B., LL.M., Lecturer in Criminal Law and Criminology, Sydney University Law School

CHAIRMAN:

The Honourable Sir Laurence Street, Chief Justice of New South Wales

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State Office Block, Sydney

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FOREWORD

Gordon Hawkins, B.A., LL.M.

On 16 December, 1986 *The Sydney Morning Herald*, ran, in the middle of its front page, a story headlined: WHERE YOU WON'T FIND ONE IN FIVE PRISONERS: IN JAIL. Beneath the headline it was reported that:

> Almost one in every five N.S.W. prisoners was on the run in June 1985, a national prison census released yesterday shows . . . N.S.W. had 281 escapees from its jails on 30 June, 1985.

The story was illustrated with a Tanberg cartoon showing a bewigged figure addressing a prisoner in the dock with the words: "I sentence you to 6 months jail if you feel like it". The alarming implication was that security in N.S.W. prisons was so lax that prisoners, some of them no doubt dangerous and violent men, could virtually come and go as they pleased.

Yet that report was not merely misleading. It was false in every particular. N.S.W. did not have 281 escapees at large on 30 June, 1985; it had 15. This did not represent 1 in every 5 N.S.W. prisoners but approximately 1 in every 263.

In the following day's *Herald* at the bottom of page 2 there appeared a small box headed "Correction". There it was explained that the figure cited did not in fact refer to the number of escaped prisoners. The reporter had misrepresented some figures contained in a report on a prison census released by the Australian Institute of Criminology. The *Herald*, readers were informed, "regrets the error". (The *Herald* was not however sufficiently overcome with regret to publish the true figures and thus properly correct the misleading impression given by the story.)

It might seem obvious that a census of prisoners provides information only about persons *in prison* on a particular day, as in fact the first sentence in the foreword to the report which the journalist misinterpreted made perfectly clear. It did *not* include details of persons *not* in prison, and it contained no information whatever about the number of escaped prisoners at large.

It is unlikely that the reason that the misunderstanding and misreporting occurred was that the reporter involved was illiterate, although he may have been innumerate which wouldn't have helped. In fact analogous misinterpretations of other sections of the same report appeared under equally misleading headlines in the Melbourne *Sun*, the Hobart *Mercury* and the Brisbane *Courier Mail*.

Dr Paul Wilson in his paper on **Media Distortions of Crime and Miscarriage of Justice** suggests a possible explanation for this kind of multiple misreporting. There he accuses "the media [of] engaging systematic practices which distort both the nature and relevance of crime and criminal justice matters generally". He condemns "the 'crime news as theatre' approach adopted by mass newspapers". He refers specifically to "media accusations of a 'soft' prison system" and to coverage which "promotes more severe punitive attitudes".

Professor Tony Vinson's paper on **Child Abuse and the Media** which includes an analysis of "the major distortions in the picture of child abuse conveyed by the media" lends some support to Dr Wilson's interpretation. Professor Vinson clearly demonstrates the way in which "a grossly misleading impression" that there had been an "astronomic increase in child abuse" was generated by media reports. But he does not suggest that the media were wholly to blame. Indeed he notes that a particular media campaign originated in a Ministerial statement quoting statistics that would "send a chill down the spine of welfare experts and concerned citizens" and saying that the Department for Youth and Community Services did not have the resources to cope with the problem.

In speaking to his paper Professor Vinson emphasized the point that "we cannot lay the blame simply at the feet of the media". In many cases he said, "the media has taken up definitions of the problem that have been provided by those professionally engaged in the field and more especially by those engaged politically in the field".

Dr John Braithwaite's paper **From Bodgies and Widgies to J. R. Ewing: Beyond Folk Devils in Media Depiction of Crime** looks at the question of media effects on attitudes to crime in a rather different perspective. He agrees that "the media can supply us with a very distorted picture of the crime problem". He agrees that the standard media "dramatization of evil" and the "scandalizing media coverage of crime" can help to "create a climate of opinion which makes sound criminal justice policy difficult".

But, while acknowledging that media coverage of crime is "susceptible to abuse and gross simplification of complex social relationships", he thinks it is necessary to "overcome our propensity to sneer" and "transcend a left-liberal condescension toward" media treatment of criminal matters. It is a mistake, he argues, "to construe the media as whipping up whatever melodrama is needed to sell advertising space".

It was a mistake, Dr Braithwaite said in speaking to his paper, to focus exclusively on issues of exaggeration and stigmatization in the media. Mass media denunciation of crime played a positive role in contributing to conscience-building and also to the socialization of the young. "We need mass media denunciation of crime because we live in a mass society," he said.

The three principal speakers at the seminar were all to greater or less degree critical of the mass media treatment of crime and criminal justice matters. But the media did not lack defenders. The contributions of John Parnell, S.M., John Slee, the Legal Correspondent of *The Sydney Morning Herald*, and Evan Whitton, sometime Editor of *The National Times* and now on the staff of John Fairfax Limited, which are included here, provide a vigorous response to critics of the media.

"Publication of matters of public interest is the public entitlement in a democratic society" said John Parnell. According to John Slee much of what is objected to by critics of the media is simply the reporting of factual matters like "manifestations of public grief and anger" or the statements of politicians and other leaders of the community. Evan Whitton argued, on behalf of the

"the sensational, irresponsible gutter press", that it performed a valuable function in exposing crime and corruption; something one might expect to "be of compelling interest to the criminologist".

Jenny Earl the Legal Research Officer in the Women's Co-ordination Unit in the N.S.W. Premier's Department provided critical comments on the papers of all those of the principal speakers as well as a spirited feminist critique of the media which she said were "both gender blind and sex mad". In this she was supported by Jan Aitken, a welfare administrator, who maintained that "at the editorial end" the press was "fairly male dominated" and this influenced both what was reported and how it was reported.

Readers of this volume of the Institute's proceedings will find, what those who attended the seminar already know, that the discussion which followed the presentation of the prepared papers was lively, stimulating and wide-ranging. The Chief Justice in formally closing the seminar said that it had "probably been one of the most valuable seminars we have had within this particular institute".

I certainly found it one of the most interesting. In conclusion I only want to refer briefly to the item I mentioned at the beginning of this introduction and to a matter which is of particular interest to criminologists. In his paper Dr Wilson said that journalists could be helped "by criminological input in terms of solid research material, good writing and assertive pressure for fair coverage." Both John Slee and Evan Whitton made reference to this matter.

John Slee said:

> Now whatever their other failings, journalists are not poor listeners. Give them an idea and they will run with it. If there is 'criminological input' that really is based on 'solid research' and is written clearly, so that its solidity can be measured, it will not take much pushing to have it find its way into print.

Evan Whitton, in the course of the discussion, said:

> I tend to agree with Auberon Waugh when he says that it does not really matter much what a person's opinions are so long as they are clearly stated, intelligently expressed and not offensively commonplace . . . I am not sure really how many marks out of three you could give, on those criteria, to the sort of material an academic would want to get into the press . . . The press is open to all kinds of ideas; the press lives on ideas, there are not enough to go around; the press would have to have more ideas thrown at them, but they have to be done in such a way that they can be comprehended . . . I think it is important to get the sorts of view of criminologists that are different and are important into the public domain but you cannot do that if you cannot write clear English.

Now it seems to me that Messrs Slee and Whitton were making a valid and important point. Thus the report referred to at the beginning of this introduction (*Australian Prisoners 1985* by John Walker and David Biles: Australian Institute of Criminology 1986) consists almost entirely of statistical tables supplemented only with eight figures or graphic representations. There is no interpretation; no commentary on the significance of the figures displayed

in page after page in serried ranks. In fact apart from a brief foreword and some explanatory notes dealing with such matters as the rounding of percentage totals there is no "clear English" in the report at all.

In a recent article entitled "Correct Use of Prison Census" in the Australian Isntitute of Criminology's quarterly *Reporter*, David Biles, Acting Director for the Institute welcomes the interest of the media in the work of the Institute but complains of the fact that "the report resulted in a disturbingly high number of misreportings and misunderstandings." He also notes that "in every case where serious mistakes were made the journalists failed to telephone the Institute to check if their interpretations of the statistics were correct."

He acknowledges that with a vast collection of data dealing with some twenty five items of information about everyone of the approximately 11,000 persons in Australian prisons "it is understandable that some degree of misunderstanding may occur." But he makes a plea for more care with the interpretation of complex statistical data. "All it takes", he says, "is a phone call."

Of course the telephone is a useful instrument. But it does seem likely that if what Paul Wilson calls "criminological input in terms of solid research material" were to be made a little more accessible to the ordinary citizen, the general reader and of course the journalist, less misunderstanding and misreporting might occur. It would certainly have been diminished if the report in question had been prefaced by a piece of "clear English" along the lines of Davis Biles' article in *Reporter*.

But it would be possible to go further than merely provide a warning against misinterpretation. There seems to be no reason why, in addition some indication of a valid interpretation of the meaning of the complex statistical data offered should not also be included in such reports. What we have here may not be a major source of distortion in media reporting of crime and criminal justice matters but at least it is one that criminologists can do something about.

MEDIA DISTORTIONS OF CRIME AND MISCARRIAGES OF JUSTICE

Dr Paul R. Wilson
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Introduction

Those of us who have been critical of media coverage of crime and criminal justice matters often neglect examples of investigative reporting which expose persons and events who need exposing—the behaviour of Deputy Commissioner Bill Allan and Chief Magistrate Murray Farquhar for example. Often, because of defamation laws, this exposure comes after damage to innocent individuals or groups (i.e. racial or ethnic groups such as Aborigines or migrants) have occurred. Nevertheless, the media reconstruction of events is stunningly good entertainment. The ABC's Four Corners program in1986, for example, revealed the extraordinary manner in which both the Queensland Police and the Police Tribunal dealt with the "confession" of Barry Mannix, originally charged with the murder of his father—a charge which was dropped when others confessed to the killing.[1]

Critics of the media often fail to understand its functions in capitalist societies. News—especially crime news—is generally treated as theatre if only because the electronic media in particular, obtains higher ratings and therefore greater advertising. The media also has a *de facto* function of purveying the social order and moral agenda of complex societies. In effect, as Ericson has pointed out, crime news instructs the public on the social order by inferring a moral order.[2] Stereotyping, exaggeration, distortion and other common techniques of media reporting is needed in complex societies where social control through family and community pressure is all but gone. Neither of these functions (marketing for mass appeal and guardians of moral values) excuse the media for engaging in systematic practices which distort both the nature and relevance of crime and criminal justice matters generally and, more specifically, effect the chances of an accused person receiving a fair trial. Let me deal with those issues before setting out the skeleton of an agenda designed to counteract the distortions which occur.

General Media Distortion of Crime Criminal Justice Issues

In a very broad sense the reporting of crime and "deviance" by the media can maximise the probability of miscarriages of justice occurring. Several years ago an issue of *New Journalist* focussed on several case histories in which the media raised the level of public insecurity to the point where, the authors argued, the print and electronic coverage of these events led to an unwarranted extension of police powers and a corresponding reduction of citizens' rights. The treatment of the Ananda Marga Sect in the months leading up to the

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[1] *Report by Police Complaints Tribunal, Barry James Mannix,* (Police Complaints Tribunal, Brisbane, 1986).
[2] Richard Ericson, "Covering Crime". As reported in *Liaison,* May 1986, pp. 16-17.

trials—dealt with later in this article—and the fabrication of a juvenile crime wave as well as the patently emotive coverage of both drug and prison issues were examples of these reporting practices.[3]

Since that article other areas of crime and criminal justice have been subjected to considerable media distortion. Firstly, consider organised crime. My colleague, Dr Grant Wardlaw, has pointed out that the image of organised crime, generated by law enforcement with the assistance of the media (and, of course, Mr Bob Bottom) is of "some generalised evil of awesome power which will surely engulf us unless we take extraordinary steps to protect ourselves".[4] Despite the lack of hard data or critical analysis which would support this image, many editorial writers have uncritically sided with law enforcement in suggesting sweeping extensions to phone-tapping powers. These powers, together with the current flimsy theoretical model of organised crime which perpetuates their extension and use would, I believe, add to a climate where miscarriages of justice could occur and be rationalised as part of "the war against the Mr Bigs". Interestingly, as David Brown points out, Grant Wardlaw's critique on current models barely rated a mention in media coverage seemingly obsessed with Mr Costigan's more orthodox view regarding the "social cancer" of "organised" crime.[5]

Secondly, consider child sexual abuse. I have argued elsewhere that, despite the need for changes in current procedures and laws so that children who complain of abuse are taken seriously, it is important that the civil rights of defendants be also protected.[6] However, a "bandwagon" effect has occurred where, in an unholy alliance, adherents from both the right and the left of the political spectrum, together with some from the media, have almost ignored the civil rights of defendants in the rush to expurgate the child abuse "monster". The fact that miscarriages of justices have occurred in this area—at, I believe, an increasing rate—does not appear to have discouraged sections of the media from engaging in crusades reminiscent of witch hunts.[7] Some of the issues involved here can be seen in the celebrated case of Derryn Hinch, a radio commentator, currently appealing to the High Court regarding his conviction for contempt of court.

Hinch revealed and discussed on radio station 3AW the prior conviction of a priest who was awaiting trial on a number of sexual offences involving children. Hinch admitted that he knew this could prejudice the trial. He was asked a question: "In your set of values, the desirability of stopping him (that is, the priest) was more important than a possibility of affecting his fair trial". Hinch's reply was: "I felt I had a bigger responsibility to the community at large than I did to Father Glennon".[8]

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[3] *New Journalist*, 31 (November 1978).

[4] Grant Wardlaw, "Organised Crime and Drug Enforcement in the Control of Organised Crime". *Proceedings of the Institute of Criminology*, 67, (N.S.W. Government Printer), p. 18.

[5] David Brown, "A Cold Eye Cast on Organised Crime", *Sydney Morning Herald*, 6 March 1986.

[6] Paul Wilson, "False Complaints by Children of Sexual Abuse", *Legal Service Bulletin*, Vol. 11, 2 (1986), pp. 80–83.

[7] See, for example, Annie Stephenson, The Media and the "Discovery" of Child Abuse: Bringing the Monster Back Home. (Paper to Law and Society Conference, Brisbane, 1986).

[8] As quoted in Tom Molomby, "Media Responsibility for Fair Trial". *The Jury*, (Australian Institute of Criminology, Canberra, May 1986), p. 90.

This example illustrates cogently that at least some of the media believe that their job is to report the news regardless of the effects it may have on due process or the way the public perceives individuals or minority groups. In fact, journalist/lawyer Tom Molomby has argued that this position is the media's usual response to such situations whether the area be child abuse, murder, drugs or other major crimes.[9] In effect, this process is the functional equivalent of the police summarily executing or at least planting evidence on suspects they believe are guilty of alleged crimes. In this case, the media believe that, regardless of the rights of defendants the community's "right to know" takes precedence over other competing values or interests.

Thirdly and finally, at least for the purposes of the general argument, consider media coverage of high profile crime such as murder and rape. The death of Anita Cobby, brutally raped and murdered in Sydney during 1986, drew sensational headlines from sections of the media including photos of the accused and the publication of one of the accused person's criminal record. Sub-headings such as "Hang Them Cries Crowd" together with the general coverage of the case by some of the print and electronic media raises significant questions as to whether twelve men and women could impartially judge the case solely on the basis of legally admissable evidence. Despite the horrific nature of these crimes and the understandable public anger towards alleged perpetrators it should be repeatedly stated that suspects do have the right to be presumed innocent until proven guilty in a court of law.

The Cobby case is not an isolated example of such coverage as a critical analysis of the Julie Thrussel case, in 1978, makes clear.[10] What is characteristic of the Cobby, Thrussel and other high profile murders and sex offenders are the use of a set of cliches which are uniformly applied to all suspects. The terms "beast", "fiend", "monster", "maniac" and "madman" are applied by the media in an indiscriminate manner thereby encouraging readers, listeners or viewers to perceive all offenders in such terms, regardless of whether these labels are either correct or comprehensive.[11]

The effect of this type of coverage is profound, not only because it fosters questionable generalisations about the nature of sex and homicide offenders and offences, but also because it promotes more severe punitive attitudes implying that such offenders require no humanity while incarcerated—a point readily seized upon by some inmates in prison who administer physical justice, often of a terminal kind, to prisoners so labelled. What this coverage does as well—exemplified by media coverage of the Michael Murphy case in New South Wales and that of Marcus Barnes in Victoria, is to bring pressure to bear unjustifiably on legislators to "tighten up" what is projected (by the press) as being a "soft" prison and pre-release system.

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[9] *Ibid.*

[10] Duncan Chappell, Matthew Lippman and Thomas Weber, "Crime in the Summertime", *Legal Service Bulletin*, 3 (1), 1978, pp. 36-37.

[11] For a further discussion on this point see *The Report of Howard League Working Party: Unlawful Sex* (Waterlaw, London, 1985), pp. 61-63.

In the case of Mr Murphy, a person accused of murdering, with others, Anita Cobby, his escape from a minimum security institution did not justify the media criticising the laxity of the New South Wales prison system. Mr Murphy was at the end of his sentence and it was perfectly reasonable for prison authorities to detain him in a minimum security setting. The sentence served by Marcus Barnes, a father convicted of manslaughter by neglect of a 3½ year old girl (through a 27-day water diet) also served as the basis for media accusations of a "soft" prison system. Yet, as Harding points out, the actual time served by Mr Barnes in prison (6 weeks and one day) was lawful and in accordance with conventional practice, especially when the prisoner had already spent one week in custody during the trial and 6 weeks incarcerated while awaiting sentence.[12]

The Processes Involved in Distortion

In the areas discussed, as well as in other areas of crime and criminal justice, a number of processes or trends can be found in media distortion of events or issues. The first process is *Constant Amplification* or the tendency to use more items of a similar kind once a particularly sensational case has captured headlines (often called by sociologists an "amplification spiral"). In the Thrussel case the *Sun* (10 January 1978) quoted the father as saying "Catch This Maniac" while the head of the police investigating team was reported to have said that "I've never struck anything as brutal as this one". On 11 January the front page of the *Sun* contained a full face photograph of a youth, handcuffed and escorted into court. On page 2 a further photo of the accused appeared being led into court with an accompanying story headlined "Mongrel Shout at Court". A similar survey could of course be made of headlines and captions with many more recent cases as exemplified by the media coverage of the Anita Cobby case or of Mr Hurry and Mr Moore, two prominent Brisbane men accused of "molesting" adolescent boys.

A second characteristic that occurs in distorted media coverage is the process of *Exaggeration*. Take organised crime. Here, the media often presents a situation which unduly exaggerates the role of "new " Australians in current "organised" crime problems. The New South Wales Royal Commission into Drugs (The Woodward Royal Commission) generated enormous media coverage through its investigations into the connections between farmers of Italian ethnic background and marihuana growing. While these links were widely publicised, few media services bothered to report Detective Sergeant F. J. Parrington's evidence that police investigating the subject (and who interviewed 3 200 people) had found no evidence at all about the existence of any "Mafia".[13]

Similar accusations last year that the Sydney suburb of Cabramatta was a seething cauldron of racial tension and a home for Mafia-style Vietnamese thugs received wide media publicity. Little quoted were the words of the local sergeant: "the incidence of violence among the Asians does not compare even slightly with the rest of Sydney".[14]

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[12] See Richard Harding, *"Prison Overcrowding: Correctional Policies and Political Constraints."* The Third Whatmore Memorial Oration. (Mimeographed paper, Melbourne, October, 1986).

[13] See *New Journalist, op. cit.*, p. 3. Despite the recent criticisms of Mr Parrington's handling of drug investigations in the Griffith area the critique of media coverage of the Woodward Commission still stands.

[14] *Daily Mirror*, 26th February, 1986.

A third and final characteristic can be called *Incomplete Information.* Here, a distortion occurs not so much through misinformation but more because of the selective provision of incomplete information. In the area of high profile crime and sentencing for such crime the case of Mr Leithwaite stands out. The prisoner absconded while on day leave to visit a psychiatrist and the media accounts suggested that he was determined to molest and perhaps kill another child in the same way that he had ten years ago. With few exceptions both the print and electronic media failed to report that Mr Leithwaite had visited a psychiatrist on thirteen prior occasions in similar circumstances without incident and that a decision to grant him day leave was made by a highly conservative body—the New South Wales Release on Licence Board—whose members included a judge, a senior prison officer and a police officer. Epithets such as "mad psychopath", "child-slayer" and "animal" appeared in newspapers in the days following the escape and only subsided after Mr Leithwaite was quietly arrested while searching for a friend.[15]

More generally, though, incomplete information provided by media services about reasons behind the classification given to prisoners or the rationale behind a judge's sentence can lead to public confusion and, often, irrational criticism of classification or sentencing decisions. It can lead as well to irrational and unfair classification or parole decisions because of public pressure placed on those charged with deciding on such matters. In a very real sense then the media interferes with the operation of justice; justice would be better served by more informed reporting leading to less emotive community views on sentencing issues.[16]

Miscarriages of Justice

The processes of media distortion described in the crime and criminal justice areas so far covered have the very real potential to lead to miscarriages of justice. In the exploratory work leading up to the project "When Justice Fails" that Ivan Potas and I are currently embarking on, I reviewed twenty major cases where it could reasonably be argued that a miscarriage of justice had occurred.[17] In the majority of these cases evidence of substantial bias by some media outlets was clear. In five cases in particular, media pressure for "quick action" by the police or media stereotyping of a blatantly prejudicial sort was overt.

It is not my intention to review these cases but I wish to refer to two examples where miscarriages of justice could or have occurred through media distortion. While the final judgement is not yet out on the Chamberlain case—so that, to talk of a "misjustice" may be premature or at least debatable—it is clear that the processes of constant amplification, exaggeration and incomplete information were present before, during and after the court hearings.

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[15] George Zdenkowski, 'Sentencing: Problems and Responsibility' in D. Chappell and P. R. Wilson (eds), *The Australian Criminal Justice System* (Butterworth, Sydney, 1987).

[16] Evidence for this assertion can be found in *Sentencing* (Government of Canada, Ottawa, 1984); A. N. Doob and J. V. Roberts, *Sentencing: An Analysis of the Public's View of Sentencing,* Canada, A Report to the Department of Justice, 1983.

[17] These cases comprised those where a commission of inquiry either quashed the original conviction of murder or attempted murder or cast severe doubt by offering a pardon on the original conviction. In addition, the cases included those involving murder or attempted murder where criminological or legal opinion cast severe doubt on the validity of the conviction. See Paul R. Wilson, When Justice Fails: A Preliminary Examination of Serious Criminal Cases in Australia. (Paper to Law and Society Conference, Brisbane, December, 1986).

During the trial of Lindy and Michael Chamberlain it was suggested that the name Azaria was given to the child because it meant "sacrifice in the wilderness". This rumour, published in some papers, persisted even though the Chamberlains stated that the name came from the Bible and meant "blessed of God", and despite the absence of any dictionary which defined Azaria as meaning "to sacrifice".

The membership of the Chamberlains in the Seventh Day Adventist Church was emphasised by many media outlets. Most Australians perceive Adventists as an obscure and perhaps bizarre sect who do not eat meat but pray on Saturday—the day ordinary Australians are watching football. If the media portrayal of the Chamberlains' stoicism was accepted, then they would also perceive them as managing grief in a bizarre and "guilty" manner. For, by innuendo, direct comment and visual picture, the Chamberlains were shown to be unquestionably talkative, almost indecently composed in the face of the death of their child and overtly confident.[18] Coupled with publicity regarding the name "Azaria", the weird circumstances of the child's disappearance and the emphasis on their religious background the media stereotyped Lindy Chamberlain in particular as a modern-day witch. A jury could not help but be influenced by this stigmatisation process. Between the advertisements for margarine and body deodorants, a spellbound Australian public watched the nightly television coverage and speculated on the killing. Even before their arrest the Chamberlains were badgered by newspapers pleading for information, asking Lindy to confess and scolding the police for incompetency.[19]

After the first inquest when the coroner Dennis Barritt found that neither the parents of Azaria, nor either of their remaining children, were in any degree whatsoever responsible for the death, newspapers began criticising his findings. Hints of other explanations for the death of the child appeared. The police, smarting over the attack made by Barritt about their forensic science division, were undoubtedly spurred to even greater efforts in seeking a culprit by the media's questioning of Barritt's verdict.

It could, of course, be reasonably argued that the media's role is to act as a "watchdog" for miscarriages—those that either assist or jeopardise the accused. However, there is no possible excuse at all for the distortions of the facts and the deliberate exaggerations that occurred—an attempt, according to Dianne Johnson, to recreate the imagery of the witch hunt.[20] Nor can the alleged professionalism of journalism be enhanced by stereotyping and name calling that became almost a national sport. Examples here include "A modern-day Lady Macbeth or Pontius Pilate" (*Sun*, 14 Feb., 1983), "The 'GUILTY' Mother" (*Sun*, 1 Nov., 1982), "The Young Mother With Faraway Eyes" (*Daily Mirror*, 29 April, 1983), "Dingo Baby Mother" (*Sun*, 5 Feb., 1982).

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[18] John Bryson, *Evil Angels*, (Viking Press, Melbourne, 1985).
[19] *ibid.*
[20] For a detailed analysis of press coverage of the Chamberlain case see Dianne Johnson, "From Fairy to Witch: Imagery and Myth in the Azaria Case", *Australian Journal of Cultural Studies*, Vol. 2, No. 2, 1984, pp. 90–106.

Sam Lipski, in a balanced account of media performance during the Chamberlain saga, argued that some of the coverage had been superb. He cites the sustained reporting of Malcolm Brown in the *Sydney Morning Herald* as an example of a fair and balanced account of all aspects of the case. But, as Lipski correctly points out, much of the reporting of print and electronic media was prejudicial to the Chamberlains and both before, during and after the protracted court cases exploitative, ignorant, speculative and harrassing journalism was the order of the day. Lipski's warning to his fellow journalists is timely. There is, he suggests, "the need for journalists to exercise self-restraint over other people's privacy before they find their own invaded by governments".[21]

This warning came, of course, too late for the Ananda Marga defendants. The three members of the sect were often presented by the press as a violent aggressive terrorist group. In reporting on the attack on the Indian military attache in Canberra the *Sydney Morning Herald* headlined a strong "Religious Sect homes Raided" (*Sydney Morning Herald*, 15 Sept., 1977). The report quoted the "strong suspicions" of the Indian High Commissioner that the Ananda Marga were behind the attack. Other headlines were equally as dramatic. Examples here include: "Sect Link With Hilton Bombing" (*The Australian*, 25 July, 1978); "Hilton Bomb: Sect Blamed" (*Daily Telegraph*, 25 July, 1978); "Hilton Blast Sect Link" (*Sun*, 30 Sept., 1982).

As with the Chamberlain case, prejudice towards the defendants was reinforced before, during and after the trial by certain sections of the media accounts. For example *Newsweek* published an article after committal for trial implying that the three accused were "terrorists" facing a certain jail sentence for a fanatical crime (*Newsweek*, 17 July 1978). Similar articles appeared in other papers though no media organisation ever faced a contempt of court charge for coverage of the case. In regard to the informer Richard Seary's role in the case Tom Molomby's comment is worth noting. Molomby notes that "an unbalanced and hysterical climate, maintained by irresponsible media, was an important factor in a willingness to believe, leading too easily to a willingness to deceive".[22]

Media commentators may well point out that some newspapers supported moves for an inquiry into the jailing of the Ananda Marga members. But, as one of the wrongfully convicted men has reported elsewhere, the Wood Inquiry and resulting release of the three did not compensate for seven years in prison and recent problems of adjusting to the outside world.[23]

An Agenda of Relevant Issues

Social scientists who call for "balance" in matters relating to crime reporting are whistling in the wind. Despite what we may say about the need for more investigative journalism, for a new set of priorities in crime matters and for more "backgrounding" on criminal justice issues two factors mitigate

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[21] Sam Lipski, "Azaria case Reflects Journalism's Worst—and Best", *The Bulletin*, 25 February, 1986, p. 86.

[22] Tom Molomby, *Spies, Bombs and The Path of Bliss*, (Potoroo Press, Sydney, 1986), p. 393.

[23] Tim Anderson, *Free Alister, Dunn and Anderson: The Ananda Marga Conspiracy Case*, (Wild and Woolley, Sydney, 1986).

against substantial changes. Firstly, the "crime news as theatre" approach adopted by mass newspapers "works"—it attracts audiences and, more importantly, revenue. Secondly, technological factors will ensure that crime is increasingly trivialised, especially in the electronic media. Satellite technology enables more and more stories of an international nature to be broadcast on news programs, squeezing out or reducing other stories. Increasingly, the availability of pictures and the ability to summarise crime stories quickly will determine which stories are presented and how they are presented. In the United States, for example, the average amount of time allowed for each person's statement on television news has been pared from more than 40 seconds in the 1960s and the early 1970s to less than 15 seconds last year.[24] We will find that, in the future, television (as well as newspapers) will be a cover, rather than a window, to the world of crime and criminal justice.

There will of course be those journalists who pride themselves on being investigative and "balanced". They can be helped to achieve these objectives by criminological input in terms of solid research material, good writing and assertive pressure for fair coverage. If the electronic media can be persuaded to follow their British counterparts and engage in a series dealing with "Rough Justice" then it may be possible to correct some of the miscarriages of justice which they may have contributed to in the past.[25]

It is not my intention to consider laws of contempt and changes thought to be necessary. This issue has been thoroughly canvassed by both the New South Wales Law Reform Commission and the Australian Law Reform Commission. One matter of relevance in the context of the present article though, is whether as a test laid down for contempt, a publication/broadcast has a tendency to interfere with the due process justice.

In the course of a current project that Peter Grabosky and I are conducting on the mass media and crime it is apparent that many reporters believe that publicity concerning particular cases has little effect on jury deliberations. This sentiment has been expressed by the *Sydney Morning Herald* as follows:

> It is one of the unsatisfactory aspects of this area of law (contempt), however, that even in a case as apparently clearcut as the Hinch case, it is impossible to say what is the effect, if any of the offending broadcasts on the coming trial they referred to.[26]

Confirmation of this view cannot be found in the published literature. Indeed, in an experimental study of the effects of mass media coverage on criminal justice decision-making the authors noted that pre-trial publicity does

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[24] Eleanor Randolph, "U.S. Television News: The Trivialising of the Medium", *The Guardian Weekly*, Vol. 135, No. 8, Feb. 22, 1987, p. 17.

[25] The BBC program "Rough Justice" has earned a reputation for exposing miscarriages of justice: at least two men so far owe their freedom to its investigations. As a direct result of the first series, the House of Commons Select Committee on Home Affairs conducted its own inquiry into miscarriage of justice. See Bob Woffinder, "The Case of Rough Justice", *The Listener*, 2nd January 1986.

[26] "Trial by Media: Myth and Reality", *Sydney Morning Herald*, 30th May 1986.

have an impact on criminal justice process.[27] And, the "real life", as distinct from the experimental evidence, also supports this view. In a statement to the Attorney-General, a juror at the second Ananda Marga trial made the following comments:

> Firstly, although the judge told us to disregard the accusations about the Hilton bombings, there was always the thought at the back of my mind that the three Ananda Marga men were involved in some way. . .Even though I was very careful to avoid newspaper and radio reports of the trial I could not help seeing some headlines or listening to some reports which referred to the Hilton accusations. The general atmosphere created by these reports made it difficult to really detach yourself and look at the case objectively. . . As well as printing stories about the Hilton, the papers also printed a picture of Ananda Marga as a dangerous terrorist group. Whether this is true or not I can't say but certainly I feel that this image affected us in making decisions.[28]

There can be not doubt that prejudicial publicity can affect jury decisions. In many cases such publicity cannot be counteracted by changing the venue of a trial or sequestering the jury. I believe that appeals to the media to enforce their code of ethics in this area will fall on deaf ears. Contempt laws should and must be enforced and that the proposals of the Australian Law Reform Commission serve as a guideline in this area.[29] It may, as well, be reasonable to suggest that if an appeal against conviction is upheld and prejudicial publicity is one of the factors held responsible—and that relevant news media can be isolated as being responsible—the costs of the trial and appeal be born by those media organisations.

The media have, and will continue to be, essentially instruments of society's gatekeepers, reflecting the authoritative, dominant opinions of "leaders" in the community. They set the agenda of moral conduct, defining what is "right" and what is "wrong" for society. It may be that this is a function they will increasingly perform given the growth of mass society. However, this function should not be performed at the cost of distorting the realities of crime and criminal justice issues and jeopardising the rights of defendants.

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[27] Alice Pawdawer-Singer, Andrew N. Singer and Rickie L. J. Singer, "Legal and Social-Psychological Research in the Effects of Pre-Trial Publicity on Juries", *Law and Psychology Review*, 3 (1977), pp. 71–79.

[28] Tom Molomby, *op. cit.*, p. 406.

[29] "Contempt and The Media", Discussion Paper No. 26, The Law Reform Commission, March, 1986.

PRESENTATION OF PAPER

Dr Paul Wilson

I would like to just make comments to my paper. Peter Grabosky and myself, another researcher at the Institute, have just completed the research in a very large project on how the media reports crime and criminal justice matters. We have, over the past six months, interviewed a cross-section of journalists from editors through to reporters in the print and electronic media. It is not my purpose to talk about the results of that particular study but I think there is a point I would like to make which is perhaps quite obvious which bears on this whole area right from the start.

The first point is that from our study, and from just general observation, the media are a very diverse group that report questions on crime and criminal justice in very diverse ways, and while I am aware of the fact that I generalise quite a lot in the paper (because of space reasons) I believe it has to be recognised that there is emormous diversity in the media. Despite that though, I will slip again into a generalisation. As a result of our research and as a result of the public literature, I think it is fair to say that journalists as well as editors believe that courts overreact on contempt issues. I think it is fair to say, as a generalisation, that journalists believe that juries are far more rational than the courts suggest and are able to put aside prejudice in reporting. It is fair to say as well, as a third generalisation, that journalists complain *bitterly* about the ambiguity in terms of current contempt laws. The third position I thoroughly agree with. The other two though I take issue with.

Tom Molomby, who, of course, works for the A.B.C. Law Report radio programme, makes the point very strongly that we must have strong laws of contempt because he believes that juries are open to prejudice and believes, secondly, that juries are essentially irrational in terms of being able to cope with material which is prejudicial.

Regardless of the issue of prejudicing specific cases though I think there is some general issues in terms of how the media report crime which have to be explored and I would say that in my experience (which is reasonably comprehensive) in both the media and also in academia the way in which the media reports crime issues could be improved considerably. I gave three examples in the paper.

Organized crime. The position one gets from the Australian media in terms of reporting of organized crime is of some generalized evil of awesome power, sophisticated IBM-like organizations existing in this country that, in turn, have been used to generate calls by law enforcement and other agencies for increased powers such as phone tapping powers. I would argue that, despite the lack of empirical evidence which would show that organized crime exists in the way it is presented in the media, we continue to perpetuate in many cases this sort of hazy view regarding organized crime.

Child abuse is another area that I have referred to. While not denying at all that there is a considerable problem in child abuse, I find it rather disappointing that the issues that Tony Vinson has raised so well in his paper—the change in reporting procedures, the issue of false complaints—have very rarely been in fact looked at in the media across Australia. Thirdly I gave the example of **high profile crime** such as the Judy Thrussell case and, of course, Anita Cobby. In more general ways I have argued that the way in which sexual criminals or sexual offenders are discussed in the media is really very dangerous to the society and, of course, to the offender, and I would argue for the victim as well. Terms such as beast, fiend, monster, maniac and madman lead to simplification of the complexities in terms of the infinite variety of sexual offences and offenders, and can lead to prisoners invoking their own form of terminal justice upon offenders in incarcerated settings. I think there are very practical reasons why in fact we have to examine how issues of this sort are covered by the media.

It is true that academics, and I suspect journalists, often have an unrealistic view of what the media is about. In fact, many journalists themselves whom we interviewed in the recent Institute project, do not really understand what the media's role is in society. I suggest very briefly there are three roles. First of all news is essentially theatre, and is increasingly becoming theatre. It is presented in dramatic ways. Why else are headlines, photos, sub-headings, and so on presented in the ways that they are? Secondly I think news is obviously a marketing commodity. News and television are used to get people to watch programmes which follow. Thirdly, and I suppose the less obvious function of the media, is the media as a vehicle to set the moral agenda of society. It is an observation that many other people have made but I think it is very, very true. I believe that to understand the role of the media in society we have to understand these three functions.

I have mentioned in my paper three processes that are involved in prejudicing the way in which news stories are presented. I am not suggesting for a moment that journalists, or editors, or news organisations do this deliberately but I suggest the processes of constant amplification, of exaggeration and of an incomplete information (pages 16–17) are almost unconscious, sometimes conscious, processes which lead to distortion and, I would argue, prejudice. I have given examples of mis-carriages of justice which arise, I believe, from the way in which *some* news media have dealt with the *Chamberlain* case, and the *Amanda Marga* case. The point that I do want to make very strongly (and this was the reason why I was interested in giving this paper) is that it is my firm belief that the media *can* prejudice the outcome of trials, it *can* influence juries and the way in which juries decide issues. The evidence for this is very scant, so I realise the difficulties. But this position that I have just put is almost the opposite to what the majority of journalists take. The majority of journalists that I have spoken to believed, generally speaking, that they have little affect on trials, that juries are able to, in fact, put prejudicial material out of their mind.

If you accept my position there are two actions we can take in this country. The first thing is that we can have contempt laws, or secondly, as in the United States, we can have a situation where the media have been largely unfettered in their freedom to publish material which may prejudice a fair trial. In the United States the courts have largely relied on remedial measures such as

changing venues, re-trials, and instructions to juries and so on. I believe that we have to have contempt laws, and I would strongly recommend the New South Wales Law Reform Commission Report[1] which deals with contempt laws. It is not my purpose to delve into those contempt laws now, but I do believe that their basic principle suggesting that material must have a real risk of prejudice is a fair and reasonable balance between the rights of a free press and having a fair trail.

Let me make four brief points in conclusion and then some more constructive points about what can be done about the issue of the media and how it covers crime and criminal justice matters.

The first point I would like to emphasise is that prejudicial reporting does affect jurors. I think there is no doubt of that. Of course, I realise the difficulties of demonstrating this assertion but I have tried to give examples in my paper.

Secondly, we have to realise that the media will not change the position that they have on this and other issues very easily. They have found that crime as theatre works. I am not criticising them because of this, I am just making the point that dressing up news stories theatrically is effective in selling newspapers, which is their job as is motivating people to watch television. That is not a criticism it is just pointing the obvious. I think the media have an increasingly important role in complex societies where social control in other ways has broken down the moral agenda. Again there is a role, as John Braithwaite explains, for them to play a part in setting the agenda.

Thirdly, I suspect that we will increasingly find that crime and criminal justice stories are trivialised because of technology. I believe it is interesting to note that in the United States the average time given to a person on a news item has been reduced from 40 seconds in the 1960's to something like 15 seconds now. There is not a hell of a lot you can say in 15 seconds about anything but that is the way that technology and presentation of news is going. I would suggest that this leads in itself to distortion and a situation where you are bound to put only one point of view on very complex social issues.

The fourth point that I would like to make is that we have to realise that until the law of contempt is made less ambiguous breaches by the media will inevitably occur. I am enormously sympathetic to their position on this. I believe the law of contempt is very ambiguous. It is quite clear that most journalists do not really know what the law of contempt is even though it is their job to know. They have a hazy idea, a working knowledge, but they are not lawyers. I believe there is a lot that could be done by lawyers to make the law of comtempt less ambiguous and more encompassing, and I believe that the New South Wales Law Reform Commission's proposals have gone a long way in terms of doing that.

Finally, in terms of conclusions, I think that it is important that we balance the rights of a fair trial with the rights of a free press. So I come back again to the wording of the New South Wales Law Reform Commission Report where

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[1]N.S.W. Law Reform Commission, *Criminal Procedure: Procedure from Charge to Trial: Specific Problems and Proposals*, February 1987.

they say there has to be a real risk of prejudice—that, in fact, contemptuous material is not material which deals with trifling or insignificant matters. If one accepts this basic argument, even if one disagrees with the detail, the question is what does one do about this? I suggest very briefly that there are several things that the media could at least consider.

First of all I do believe that at least among some sections of the media in this country there are very solid grounds for teaching them more formally skills of investigative reporting and other ways of obtaining material besides running off to the local policeman or policewoman. I think the skills of documentation and statistical analysis have not been exploited particularly well by the media in this country as they have in other countries. I would like to see far more emphasis by far more reporters in this country on investigative reporting using essentially analytical skills.

Secondly, I would like to see training courses in all media organisations in contempt and defamation law. Some major groups have this. I notice that News Limited are in fact doing training courses with their cadet journalists and I believe that is a big advancement.

Thirdly, I believe it is important that journalists should be more creative about the way in which they report material on crime and criminal justice. It seems to me that all the time the whole question is thrown back to lawyers. Journalists often argue about how powerful and strong the law is and how it stops a free press in this country. It does seem to me, as Sam Lipski said very recently, that there is an onus on journalists to do something themselves about professionalism in journalism and develop a sense of ethics before governments impose a set on them. He was referring specifically to the context of the reporting of the Chamberlain affair but his point could be generalised to press coverage on crime generally.

Fourthly, the interests of both the media and the law would be served by attempting to clarify contempt laws which are, in fact, enormously complex and fragmented. I have suggested a model for that. Finally, I do believe that an improvement in reporting about crime might well reduce prejudicial reporting. In other words, I am suggesting that if, in fact, crime reporting becomes more sophisticated many of the problems of prejudice will disappear. I think I would like to see a far less symbiotic relationship between the police and crime reporters. The only information often obtained by some reporters about crime is from their police informants. I would like to see more emphasis on covering the *offence* rather than the *offender.*

In summary, I would like to see more recognition by the media of the fact that trial by media can and does occur. Clearly, blunders by lawyers, criminologists, indiscretions in court-rooms etc., account for most abortive trials but the media have a responsibility in this area, a responsibility which I would like to see more of the media acknowledging.

CHILD ABUSE AND THE MEDIA

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PART I

INTRODUCTION

Background

A decade ago, child abuse was an insignificant concept in Australian social welfare. Today, child protection is the goal of Australian child welfare policy and child abuse is a term with which probably a majority of people are familiar.

There can be no doubting the gravity of even a single case of emotional, physical, or sexual abuse of a child. Every child is entitled to protection from such harm. However, the stage has been reached where the preoccupation with identifying and registering instances of child maltreatment may be diverting our attention from doing more about the social circumstances in which abuse appears most prevalent. The concentration of energy on indiscriminately logging society's failure to do its best by children, an activity spurred by dramatic and misleading evidence of the rapid increase in abuse, is counter-productive of the welfare of the most vulnerable children. Assistance to which these children should be able to lay claim is dissipated on less serious cases. Welfare staff, aware of the criticism and sanctions that accompany failure to anticipate the abuse of a child, are trapped in a game of reporting "just in case". Thus, energy that should be flowing into preventive, neighbourhood based schemes[1] is less productively employed.

A discriminating register of suspected child abuse could serve a useful purpose. It could alert staff to keep a close eye on the wellbeing of highly vulnerable children. This purpose is negated when the notion "at risk" is applied to the supervisory practices, environmental and family circumstances and childhood conditions that conventional wisdom in the field considers less than optimum. In assessing the presence of abuse, field staff frequently turn not to an examination of a child's behaviour or physical or emotional state but to factors external to the child, including the standard of family life (see section **Nature of Abuse,** pages 41–43). The reports resulting from such investigations are inevitably highly opinionated. They frequently involve the re-designation of familiar problems, especially poverty and isolated and inadequately supported women, as newly categorised forms of child abuse. And, so, the spiralling indexes of child maltreatment are uncritically received by the media and the general public, and even greater preoccupation with investigative and administrative procedures encouraged.

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*With the research assistance of Morag Carroll, Dip. Welfare (Macarthur).

[1] Gottlieb, B. H., "The Role of Individual and Social Support in Preventing Child Maltreatment" in J. Garbarino, S. H., Stocking and Assoc. (eds), *Protecting Children From Abuse and Neglect* (San Francisco, Jossey-Bass, 1980) pp. 37–60.

How, in the space of a decade, could a single concept come to have such a dominant hold on welfare thinking? The simple answer is that greater emphasis on child protection was long overdue and perfectly consistent with a recent general trend of recognising welfare and legal rights.[2] One can acknowledge the force of such arguments and support the retention of the benefits of child protection while still being curious about the process by which abuse ascended to its pre-eminent position. The field of human welfare abounds with new and re-cycled ideas whose "time is ripe". A few take off, the majority flicker for a while before disappearing from view.

Is it possible that ideas about human welfare that eventually command professional and public attention have a typical career path? I have long been struck by the infectious appeal of ideas like psychotherapy, the therapeutic community, ego therapy, and family therapy and the way that, at their height, they have expressed important but self-limiting conceptions of human wellbeing.[3] I do not know about the adoption of all of these ideas but several, including child abuse, have been characterised by certain phases that Penrose[4] believes to be typical of the development of collective preoccupations in fields as varied as marketing, delinquency and medical therapy. To make such comparisons is not to trivialise the importance of the ideas behind the child protection movement. Rather, it is to recognise the social character of such movements and the fact that more complicated dynamics are involved than the simple, direct impact on the public of ideas and images transmitted by the media.

A retracing of the social phenomenon of child abuse in New South Wales in the past decade shows that the media's construction of the problem was much influenced by a group of technical and political "definers" operating largely but not exclusively from within the Department of Youth and Community Services (YACS). In turn, the public's response to media concentration on the problem took the form of a "delayed reaction" not unlike that which Penrose hypothesized for collective preoccupations generally:

> First there is a latent period, during which the idea, though present in the minds of a few, shows little sign of spreading. Next comes the phase during which time the idea spreads rapidly. The number of people who accept the new idea mounts with an increasing velocity which may develop an almost explosive character. As the market of susceptible minds becomes saturated, the velocity of the wave . . . begins to slacken. This is the third phase.
> The fourth phase is marked by the development of mental resistance against the idea which resembles immunity to infection in the sphere of physical disease . . . In the fifth or final phase, if the idea still persists, it remains stagnant, either it is incorporated into the occasional habits of many or kept alive in the minds of a few enthusiasts.[5]

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[2] Oates, K., (ed.), *Child Abuse—A Community Concern* (Sydney, Butterworths, 1982) pp. 1–12 and Kemp, R. S., Kemp. C. H., *Child Abuse* (Bungay, Fontana, 1978) pp. 15–21.

[3] Rapoport, R. N., *Community as Doctor* (London, Tavistock, 1960) pp. 15–24.

[4] Penrose, L. S., "Analysis of Crazes" in R. H. Turner, L. M. Killian, (eds). *Collective Behaviour* (Englewood Cliffs,Prentice Hall, 1972) pp. 131–136.

[5] *ibid.* pp. 131–132.

Increase in Notifications

The increase over the past decade in the number of child abuse notifications in New South Wales followed a growth curve similar to the first three phases described by Penrose. There was a slow rate of growth during the "incubation" period from 1977 to 1980. Then the growth rate began to quicken in 1981 and accelerated markedly from 1982. The incubation period was one in which committees and influential individuals were working within government and non-government agencies to shape and popularise the concept. At the same time media attention was caught by the topic, partly as a result of the definitional and legislative work of the authorities but also because of cases of abuse that came to light. Indeed, a comparatively high level of publicity was given to child abuse during the incubation period (see **Figure 1**). One hundred and ten relevant articles appeared in the Sydney Press* during this 4-year period. In the following 4 years there were seventy-nine articles. Almost as many articles (sixty-nine) appeared in just 2 years (1975–76) before the notification statistics began to be reported. So, on this evidence, the relationship between media publicity and the total volume of alleged abuse appears not to be a simple, direct one.

The marked increase in the volume of notifications around 1981 coincided with a major shift in the sources of the allegations. In the years immediately following the introduction of the notification scheme, it relied heavily upon reports from professionals and the staff of health and government agencies, including YACS officers. Media publicity may have been at a relatively high level but ordinary citizens had not begun to respond by reporting children they considered to be "at risk". Whether it was the increased talk of legislative action, the response to particular cases, the time it necessarily takes for new ideas to ovér-ride old ones (including distaste for "dobbing people in"), or something else, we cannot be sure. However, after 1981, neighbours, friends, relatives and non-officials joined the main sources of notifications and the allegations of child abuse sky-rocketed!

In **Table A,** a number of sources of notification are categorized as "official/ professional". The overall increase in these types of notifications between 1980 and 1981 was 55 per cent. The rate of increase in non-official notifications was almost twice as high (99 per cent). The contrast in rates of increase between official and non-official source of notification is even more marked when the period 1981–83 is compared with 1980. The percentage increase in the non-official category (1 952 per cent) was approximately 2.5 times that in the official/ professional category (813 per cent). In 1980, 23 per cent of allegations emmanated from non-official sources. By 1983 this figure had grown to approximately 40 per cent.

* Metropolitan morning, evening and weekend papers, *The Australian,* and *The National Times.*

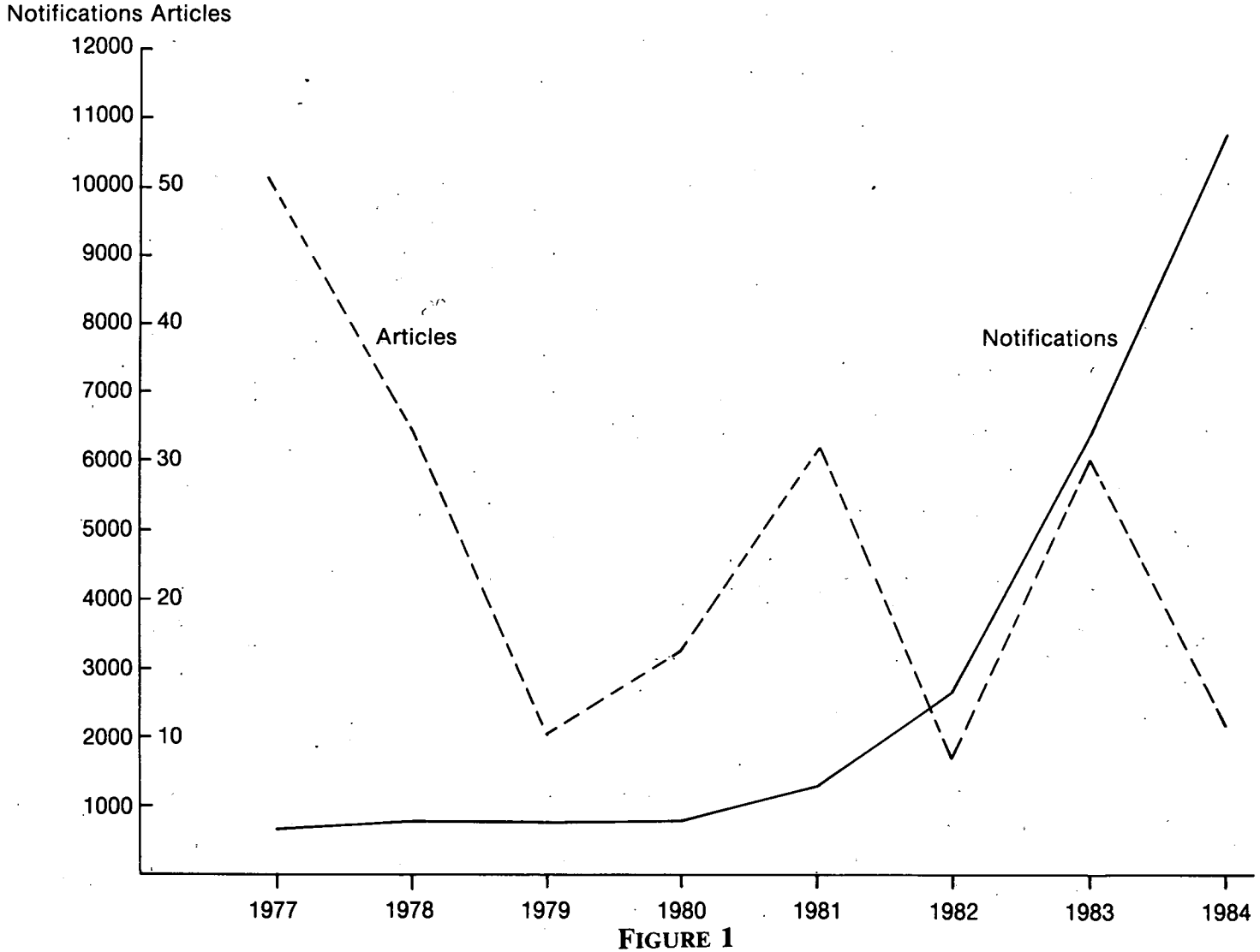

FIGURE 1

Numbers of Child Abuse Articles and Notifications, New South Wales, 1977–1984

TABLE A

Sources of Notifications, July 1977–1983**

	July 1977/1979		1980	1981	Increase		1981–1983	
	No.	% (notifications)	No.	No.	%	No.	% (increase over 1980)	% (notifications)
OFFICIAL/PROFESSIONAL								
YACS Officers/Child Protection	475		223	409	83.4	1589	612.6	14.5
Community Orgs., Depts	14		8	110	*	960	*	8.7
Private Doctor	99		28	37	32.1	274	878.6	2.5
Hospital Doctor	293		118	127	7.6	539	356.8	4.9
School	114		53	71	34.0	653	1132.1	6.0
Other Professionals, Police	646		265	324	22.3	2330	779.2	21.3
	1641	73.5	695	1078	55.1	6345	812.9	
NON-OFFICIAL								
Self	148		49	79	61.2	309	530.6	2.8
Neighbour, Friend	167		69	154	123.2	1554	2152.2	14.2
Relative	84		31	65	109.7	737	2277.4	6.7
'Other' Parent	48		40	82	105.0	1346	3265.0	12.3
Anonymous	23		23	42	82.6	405	1660.9	3.7
	470	21.0	212	422	99.1	4351	1952.4	
Other	123	5.5	10	27	—	257	2470.0	2.4
	2234					10953		100.0

* Departmental notifications commenced 1981.

** Table based on statistics contained in: Youth and Community Services, *1983–84 Child Data Analysis,* Planning and Research Unit, August, 1986.

Framework of Analysis

The analysis of child abuse presented here will concentrate on the first three phases outlined by Penrose. The background to the analysis is the growth in the number of "notifications" or allegations of child abuse reported to the Department of Youth and Community Services from 1977 to 1984. These statistics have been widely interpreted as reflecting the large scale and dramatic growth of the problem of child abuse. Penrose's latent period occurred between 1977 and 1980 when the growth in notifications was slight. The period after 1980, during which there was an "explosive" increase in notifications, corresponds to Penrose's second phase. Post–1985, we may be witnessing a slackening in the growth of notifications, corresponding to Penrose's third phase. However, the main emphasis will be on examining the processes that transformed a concern shared by welfare professionals into a high level of public consciousness of a social problem.

It will be shown that the definition of child abuse broadened during and beyond the latent phase and that these changes were accompanied by educational measures that were intended to "heighten the consciousness" of government welfare staff to child abuse in its various forms. The course of these developments has been traced by means of interviews with several of the key officials involved and by a search of relevant departmental files, papers and publications. The resultant picture is presented in the section **Evolution of the Concept of Child Abuse** (pages 36 to 39).

Of course, "consciousness raising" is not confined to technical and field staff. Politicians also have reasons for engaging in it, not the least important of those reasons being to attract additional resources to their departments to combat problems that are said to be increasing rapidly. Just such a process occurred in December, 1985. The announcement of abuse notification figures for the year was accompanied by a ministerial statement that could only have had the effect of triggering an alarmed response from the media. This interplay between an influential political definer of the child abuse problem and the news media, and the distortions associated with the subsequent cultivated hype, is a useful point of departure for our analysis. Therefore, in the concluding section of this introduction, we present a brief summary of the Sydney press coverage of the announcement of the 1985 notification figures.

In **Part II,** the media's role in the social construction of child abuse is analyzed in some detail. Data has been collected on the number and types of articles in Sydney daily and weekly newspapers that dealt with aspects of child abuse during the period 1977–1984. Not all of this information has been analysed but we are able to report the dominant themes of the articles and their concern with:

(i) specific cases or the general problem of abuse;

(ii) whether basic social values were said to be implicated in the problem of child abuse;

(iii) whether legislative and/or administrative and/or judicial action was proposed.

In **Part III,** the major distortions in the picture of child abuse conveyed by the media, are analysed. In particular, the media over-emphasises the relative frequency of physical abuse and fails to acknowledge the changing definitions of abuse or distinguish notifications from "registered" or confirmed cases. Moreover, the media account of notified child abuse pays little or no attention to its concentration in low income/low social status sections of the community. We have been able to study the latter relationship by introducing into the analysis of departmental statistics, and Australian Bureau of Statistics Indicator of Socio-Economic Status.[6] We have compared the incidence of notified abuse in the post code ares of New South Wales containing the 10 per cent of the population with the highest social status and the areas containing the 10 per cent of the population with the lowest social status.

Examples of Media Treatment of Issue: December, 1985

Social problems have a habit of surfacing in the Sydney media during the Christmas holiday period. However, the attention paid to the question of child abuse in December 1985 was especially intense. The campaign originated with a statement by the N.S.W. Minister for Youth and Community Services that the problem has reached such proportions that his department did not have the resources to cope. Under the heading "Child Abuse Out of Control in N.S.W." (*Sydney Morning Herald,* 12th December, 1985) the Minister was reported as saying that the Department had received about 16 000 notifications of child abuse during 1985—a 50 per cent increase on the previous year, a statistic that would " . . . send a chill down the spine of welfare experts and concerned citizens".

The Minister should have included the Sydney dailies among those likely to be chilled by this revelation. The *Daily Mirror* (13th December, 1985) described child abuse as " . . . one of the most revolting, degrading, and damaging forms of human behaviour. Every 24 hours between 40 and 50 children are violently beaten or sexually assaulted. And those, God help them, are only the ones we know about. The real total may be twice as high."

The next day the *Sydney Morning Herald* devoted most of its front page to the analysis of a problem that " . . . is growing by 50 per cent each year, after 100 per cent rises over the past 3 years." It was only in the concluding paragraphs of its story ("The Children of Darkness") that the Herald acknowledged that the rising incidence of child abuse notifications might reflect the increased reporting of it rather than a growth in the incidence of abuse. This was one of the few qualifications to the claimed astronomic increase in child abuse that appeared in the media at the time. The volume of notifications or allegations of abuse was treated as amounting to much the same thing as confirmed instances of abuse—a grossly misleading impression that was not corrected. The notifications were largely—and inaccurately—treated as relating

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[6] Australian Bureau of Statistics, *The 1981 Indicator of Socio-Economic Status,* Mimeographed, 1981.

to physical abuse. The *Mirror* apparently came to its conclusion that "Every 24 hours between forty and fifty children are violently beaten or sexually assaulted", by dividing 16 000 notifications by 365!

Missing was any real questioning of what "abuse" entails, whether the official definition of it had changed, possible increases in the the resources devoted to its detection and pressures on government and non-government welfare workers to notify cases of suspected abuse. Had these questions been addressed it would have become apparent that the spiralling abuse statistics owed more to technical and policy considerations than to changes in people's behaviour towards children.

Take, for example, the precautionary notifying of cases by the staff of voluntary agencies. As the statistics have swelled, awareness of the problem of child abuse, or at least the reporting of it, has increased in non-government welfare circles. With this awareness there has developed a degree of nervousness lest any cases currently on the agencies' book are potential Maria Colwells or Paul Montcalms. These recent British and Australian cases of child deaths, rightly or wrongly, have resulted in criticism of the failure of welfare officers to read the signs of impending disaster.[7] The response of many local welfare agencies, especially during the past year or two, has been to play it safe and notify large batches of cases as a precaution against later recriminations. Sometimes the notified cases have been progressing satisfactorily for some years.

Some agencies that have wished to remain more discriminating in their notifications of abuse, recently have succumbed to a new enticement. Since late 1985, some forms of emergency assistance from the Department of Youth and Community Services, have been more readily available to "child abuse" cases. Predictably, some community agencies now notify cases so that their clients can obtain urgently needed help. Even so, as one worker has explained, it is still possible to exercise a measure of discretion:

> I only notify a case when I have the tacit agreement of a senior officer that the notification is merely a device for gaining help. I won't endanger the handling of a case just to get emergency assistance.

But the failure to take account of changing approaches to the notifying of cases is a relatively minor oversight alongside the failure to consider:

(i) the changing definition of abuse,

(ii) the proportion of alleged instances of abuse resulting in registrations, and

(iii) the number of notifications involving non-physical abuse.

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[7] Moore, J. G., *The ABC of Child Abuse Work.* (Aldershot, Gower, 1985) pp. 70–71.

PART II

MEDIA PRESENTATION OF ABUSE

Agenda Setting

In a book devoted to understanding how child cruelty became a major issue, Nelson[8] claims that the first people to identify a problem often shape how others will perceive it. Paediatricians, radiologists, and medical people generally, played a leading role in the overseas re-discovery of child abuse. Particularly influential on the American scene was Kempe's 1962 publication "The Battered-Child Syndrome" in the *Journal of the American Medical Association.* Kempe and his colleagues placed particular emphasis on psychiatric factors in the pathogenesis of physical abuse: "In most cases some defect of character structure is probably present; often parents may be repeating the type of child care practiced on them".[9]

This individually centred psychological construction of the problem made it seem very self contained.[10] Governmental response to a self contained, serious, but non-controversial issue ought to be easy to obtain and that is what happened in the United States and also in New South Wales where, in its original formulation, the concept was equally non-controversial.[11]

Then, in both countries, the narrow view was replaced by more comprehensive constructions of the problem. But in so far as the initial "agenda-setting" discussion of child abuse emphasised its physical aspects, and in so far as the media has chosen to focus on the "sickness" of perpetrators, the connection between poverty and maltreatment has been blurred.

The medicalizing of the problem of abuse makes little sense in that there is no specific cause or typical pattern of development akin to that of a "disease".[12] The personality or psychiatric attributes that one piece of research claims to be characteristic of perpetrators, are contradicted by the findings of the next reported research.[13] Abuse is notoriously difficult to predict. The state of the art is such that there will be two wrong judgements for every right one.[14] Indeed, the depressed economic background and social isolation of abusers are about the only factors whose importance is consistently confirmed by research.[15]

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[8] Nelson, B. J., *Making an Issue of Child Abuse* (Chicago, University Press, 1984).

[9] Kempe, C. H., Silverman, F. N., Steele, B. F., Draegemueller, W., Silver, H. K., "The Battered-Child Syndrome", *Journal of the American Medical Association,* No. 181 (1962) pp. 17-24.

[10] Nelson *op. cit.* p. 13.

[11] This is not to say that medical practitioners were without reservations concerning the compulsory notification of cases of abuse.

[12] Parton, N., *The Politics of Child Abuse* (London, Macmillan, 1985) p. 132.

[13] Parke, R. D., "Theoretical Models of Child Abuse. Their Implications for Prediction, Prevention, and Modification", in R. H. Starr, (ed), *Child Abuse Prediction* (Cambridge, Ballinger, 1982) pp. 32-33; and
Council of Europe, *Criminological Aspects of the Illtreatment of Children in the Family,* Fourth Criminological Colloquium, Strasbourg, 1980, pp. 57-80.

[14] Parton *op. cit.* p. 135.

[15] Garbarino, J., Stocking, S. H., *Protecting Children From Abuse and Neglect* (San Francisco, Jossey-Bass, 1980) pp. 7-8.

Despite these difficulties, the medical conception of abuse, like that of some other behaviours with agressive or violent components, has remained strong. Nelson believes this approach helps explain the popularizing of the issue for "government more readily adopts issues which are constructed as social illness than issues which confront long-established power arrangements".[16] Moreover, press interest has been sustained beyond the usual limits by four factors:

(i) the topic has lent itself to progressive differentiation into sub-categories of abuse;

(ii) the linking of abuse with larger concerns, such as intrafamilial violence;

(iii) an expanding professional literature has been tapped by the news media;

(iv) the growing appeal of human interest stories ("soft news") and the high level of interest in the deviant aspect of child abuse cases.

Sydney Press

The dominant theme of Sydney metropolitan news articles on child abuse during the decade 1975-1984 was the physical abuse of children. All but a small portion (4.7 per cent) of the 258 articles considered dealt with physical abuse. A much smaller number (11.6 per cent) dealt with sexual abuse although this theme received much greater attention as the decade progressed. In the first 4 years it received attention in just five of 151 articles (3.3 per cent). In the concluding 4 years sexual abuse was discussed in almost a quarter (19/79; 24.1 per cent) of the relevant articles.

Apart from the question of their treatment of specific forms of abuse, the newspapers have also been examined from the point of view of their commentaries and overall response to the problems depicted. Throughout the period under review the amount of specific instances of it, remained constant at around 40 per cent of the relevant articles in each year. As the decade progresed there was a slightly greater tendency to question whether basic social values were implicated in the problem of child abuse but this trend was not statistically significant. More important was the trend, consistent with Golding and Middleton's[17] hypothesis concerning the development of "moral crises", for the media's emphasis on judicial responses to child abuse to decrease as its attention to legislative action increases (see **Table B**):

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[16] Nelson *op. cit.* pp. 17-76.

[17] Golding, P., Middleton, S., *Images of Welfare: Press and Public Attitudes to Poverty*, London, Martin Robertson, 1982.

TABLE B

NEWSPAPERS' RESPONSES TO CHILD ABUSE; 1975–1978 COMPARED TO 1981–1984

	1975–78		1981–84	
	No.	%	No.	%
	(N = 151)		(N = 79)	
General problem of abuse	62	41.6	33	41.8
Social value issues	18	11.9	13	16.4
Judicial response, pronouncements	66	43.7	25	31.6
			(X^2 = 3.2,1df,P<.10>.05)*	
Legislative action	15	9.9	17	21.5
			(X^2 = 5.8,1df,P<.02>.01)**	

* approaching statistical significance
** statistically significant

In New South Wales, the newspapers have presented a distorted picture of notified child abuse, although the errors have not been entirely of their own making. Over the decade of this review (1977–1984) abuse has been presented as:

- being on a scale similar to the level of notifications;
- being predominately of a physical character; and
- eminating from deviant individuals and families with little attention being paid to their social circumstances.

In **Part III,** evidence will be presented to show that these claims are incorrect. However, the first requirement is to show that the concept of child abuse was transformed during the decade, a change which had enormous implications for the annual statistics but which received scant acknowledgement in the media.

PART III

DISTORTIONS IN THE PICTURE CONVEYED BY THE MEDIA

Evolution of the concept of child abuse

The progressive expansion of the scope of the term "abuse" has contributed greatly to the present high level of notifications. In March 1977, the New South Wales *Child Welfare Act* was amended to make it mandatory for medical practitioners to notify when they had "reasonable grounds to suspect a child had been assaulted, ill-treated or exposed". Medical practioners were informed of their obligations in a letter from the then Minister for Youth and Community Services.[18] Provision also was made for voluntary notification by any person who believed, based on "reasonable grounds", that a child had been assaulted or neglected as defined by the Act.

[18] Jackson, R., (Hon.), Minister for Youth and Community Services: Letter to New South Wales Medical Practitioners, 1977.

In the same year a pamphlet, *Child Abuse—A Community Problem That Can Be Helped,* was distributed to doctors, school principals, pre-school centres, judges, magistrates and clerks of petty sessions. Again, the pamphlet focused almost entirely on physical forms of abuse. Coinciding with these developments, the Montrose Child Life Protection Unit was established in Sydney with the following objectives:[19]

(i) to receive obligatory and voluntary notifications of child abuse and neglect;

(ii) maintain a central register;

(iii) provide a 24-hour, seven day a week crisis service, including a telephone "hotline" and crisis nursery;

(iv) provide some direct services to clients; and

(v) complement and support the work of departmental staff in the field.

These services were sustained by what, in retrospect, was a very small staff—six Child Protection Workers employed on an "on call" basis after hours. Clearly, with this restricted level of specialist staffing, it would take some time for field staff to become familiar with the concept of child protection and the role performed by the new unit.

In 1978 an evaluation was made of the Montrose Unit. A questionnaire was sent to all District Officers. The impression gained from the results was of "widespread lack of knowledge of, and communication with, the Child Life Protection Unit"[20]. It was, perhaps, for this reason that in the same year a training officer was appointed to assist field staff to recognise and deal with child abuse. A three day training program was developed and, in the words of a senior officer, "Hawked to every office around the State". Thus an opportunity was created not only for making Field Officers aware of notification procedures and the role of specialist staff, but also for expanding their conception of the nature of abuse. A training manual issued at the time *(Child Abuse and Neglect. You Can Help)* contained an array of definitions ranging from the already promulgated "non accidental physical attack or physical injury" to far less blatant manifestations of abuse and neglect including acts which ". . . deprive a child of the opportunity to fully develop his unique potential as a person either physically, socially or emotionally".[21]

Before the end of 1979, it was claimed that all field staff had undertaken the new training course. The dissemination of factual information and encouragement to think more broadly about the problem of abuse was accompanied by what a departmental investigator described as a ". . . spectacular increase in the number of telephone calls being received and

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[19] Brazier, J., Davis A., Shierer, J., 'Montrose, Child Life Protection Unit, A Treatment and Assessment Model in Child Abuse Intervention.'

Third International Congress on Child Abuse and Neglect, Amsterdam, April, 1981.

[20] Lawrence, J., *Responsibility for Service in Child Abuse and Child Protection.* A commissioned report to the Minister for Youth and Community Services, 1982.

[21] Bisnette, L., *Child Abuse and Neglect. You Can Help.* Department of Youth and Community Services, 1979.

reported cases of child abuse, resulting in excessive demands being made on resources".[22] Thus a cycle was commenced which still shows little sign of abating: the raising of staff consciousness of abuse in its many and varied forms and provision of additional staffing, results in a higher level of reporting which, in turn, triggers a demand for additional staffing.

But while expanded definitions of abuse were beginning to gain some currency they had yet to gain the imprimatur of the Department or be incorporated in official guidelines for the reporting of cases. That development was still a few years off and it remained possible in October, 1980 for a Senior District Officer, in the course of proposing an after hours crisis service (established in 1981), to draw a distinction between telephone calls relating to "child abuse" and calls concerning "alleged neglect and individual and family counselling"[23]. The annual total of notifications still stood at less than 1000.

In the early 1980s public attention began to focus on the issue of sexual abuse. The *Women's Weekly* conducted a study of incest and the public reaction to this publicity invited a response from the Health Commission. Initially, this response took the form of a series of advertisements conveying an offer of help to the victims of incest. From the point of view of the official reporting of incest and sexual abuse, the advertisements were probably less important than a series of ten 3-day workshops staged around February, 1981, for the staff of Youth and Community Services, the Police and Health Departments and other relevant groups. Before 1981, sexual abuse cases accounted for approximately 2 per cent of child abuse notifications. After 1981 they came to represent 10–15 per cent, a proportion that has remained stable in recent years.

One of the most important factors encouraging an increase in child abuse statistics appeared in the second half of 1982. New trial guidelines and procedures for receiving and acting on notifications of child abuse were introduced. The new approach was developed by an inter-departmental committee and was accompanied by thirty-three 1-day workshops for the guidance of staff of the three departments concerned (Youth and Community Services, Health and Police). It is quite common in the field of social statistics for the formalising of statistical collections to be accompanied by a rapid increase in the reported incidence of the variable under consideration. This is precisely what happened in New South Wales in 1967 and 1968 when the police introduced a new computerised system for recording the incidence of crime. No amount of technical explanation could restrain the impulse in media and political circles to interpret the apparent jump in the level of crime as a true indication of the social deterioration that had occurred virtually in the space of a few years.

A similar development appears to have occurred with the more formal compilation of child abuse statistics in 1982 and 1983. Just as had happened within the Police Department more than a decade earlier, standardised report

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[22] Williams, H. J., *Proposal Concerning Reorganisation of Montrose Child Life Protection Unit.* Department of Youth and Community Services, 1980.

[23] *ibid.*

forms and categories of child abuse were drawn up. A group of specialist staff began assuming responsibility for chasing up reports and generally bringing home to field staff the importance of meeting the requirements of the statistical system. The latter point is well illustrated by a departmental report of the time[24] that referred to the field staff's perception of crisis care workers as being ". . . not field officers but elitist centralist people who give them work and hassle them about form 2s (follow up reports)".

The procedural changes that accompanied these increases included the formal endorsement of the expansive thinking about the nature of child abuse that had been gaining currency in the Department. This development in official thinking was made abundantly clear to field staff by the inclusion of the following nine reporting categories:

(i) physical abuse;
(ii) other drug abuse;
(iii) sexual abuse;
(iv) parent unable to cope;
(v) emotional abuse;
(vi) neglect;
(vii) alcohol abuse;
(viii) failure to thrive;
(ix) other.

By 1984 the reporting guidelines had been considerably tightened. Officers of the Department of Health, Police, Education and Youth and Community Services were instructed that any of the above types of abuse that came to their attention *must* be registered. Examples of each category of abuse were presented in an instruction manual. some idea of the scope of these "illustrative situations" can be gained from the definition of abuse presented to staff:

> Abuse in relation to a child means assault or illtreat the child, expose or subject the child to behaviour that *psychologically harms him or is likely to psychologically harm him,* whether or not, in any case, with the consent of the child (our emphasis).[25]

Further evidence of the extent to which the concept of abuse had, by the mid-eighties, been stretched from its original physical connotations, was contained in a recent departmental publication *Instructions for Field Officers in Child Protection.*[26] The suggested grounds for registering cases of abuse include the continued scapegoating or degrading of a child and imposed physical or social isolation.

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[24] Scott, E., *Report and Recommendations on Montrose Family Crisis Service.* Department of Youth and Community Services, 1983.

[25] Department of Health, Circular No. 85/89, 15 May, 1985.

[26] Youth and Community Services, *Instructions for Field Officers in Child Protection,* 1985.

Staffing

As previously noted, specialist staff have a major influence on the level of reporting of child abuse. In the introductory years of the new system some specialist workers were transferred from the Child Life Protection Unit to district offices of the Department of Youth and Community Services that had high levels of notifications. Child Life Protection Units were established at Wollongong and Newcastle in 1980.

In 1984 the Sydney Child Protection and Family Crisis Service was relocated and by 1985 its staff had grown to an Executive Officer, Co-ordinator, sixteen crisis workers, an office manager, and clerical staff. Overall, in the 9 years since the first Child Life Protection Unit was established with its modest staff of six officers, specialist workers had grown from eight to sixty-one, with obvious implications for the degree of attention paid by general staff to the reporting of abuse.

Scale of problem: 1984 statistics

Detailed departmental statistics help to show the ever spiralling notification figures in a clearer light. In addition to providing basic demographic data on children who have allegedly been abused, the Department of Youth and Community Services also has kindly provided information on the number of 1984 cases that were "registered". The latter occurs when, following investigation, the Department is sufficiently convinced of the presence of one or another form of abuse, to register a child as being "at risk".[27]

The Department has used the previously mentioned Indicator Socio-Economic Status, developed by the Australian Bureau of Statistics,[28] to classify the areas of residence of children notified in 1984. It has been possible to make a number of comparisons between children who come from the 10 per cent of the State's population who live in post code areas with the highest socio-economic status, and those who come from the 10 per cent living in areas with the lowest socio-economic status. The Department also has permitted an analysis to be undertaken of the factors emphasised by field staff when assessing the validity of allegations of abuse. These implicit criteria were studied in relation to 190 allegations of neglect and/or parental inability to cope.

The first revelation of the statistics is that only a fraction—34.5 per cent or about one-third of the new notifications in 1984—were registered. This figure of 3 900 cases is considerably less dramatic than the 11 318 new notifications. Moreover, 1 201 cases or about a third of the 1984 registrations involved children who were first notified in previous years. Thus, of the 11 318 notifications in 1984, there were 2 700 new cases of alleged abuse—24 per cent of the total—where grounds for registration were judged to exist. A profile of notification cases can be found in **Appendix A.**

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[27] Youth and Community Services, 1983–84 *Child Protection Data Analysis,* Planning and Research Unit, August, 1986.

[28] *op. cit.*

Nature of abuse

What grounds were cited by those who notified the Department of alleged instances of abuse in 1984? The picture is a little complicated by the fact that notifications were sometimes based on several grounds. The most direct way of gaining an overall understanding of the situation is to examine the percentage of total notifications in 1984 represented by each ground for notification (see **Table C**). As we will see, some of the allegations were subsequently modified, especially those where physical abuse had been claimed. But contrary to the impression created by the media, even at the allegation stage physical abuse was not the most frequent reason for notification. Neglect (36.3 per cent) and parental inability to cope (33.0 per cent) were more frequent grounds for notification than physical abuse (28.6 per cent).

TABLE C

GROUNDS FOR NOTIFICATION IN 1984: WITHIN STATUS GROUPS

	No. of grounds alleged	*% total notif-ications*	*% low status group (N=2403)*	*% high status group (N=378)*
Physical	3566	28.6	28.9	32.3
Drugs	1004	8.1	8.3	10.1
Sexual	1668	13.4	11.7	14.8
Not coping	4107	33.0	34.2	32.0
Emotional	2200	17.7	14.4	26.7
Neglect	4519	36.3	39.2	24.1
Alcohol	1276	10.2	10.4	9.3
Not thriving	310	2.5	2.7	1.3
Other	2072	16.6	17.3	19.0

A little under half of notifications were based on multiple grounds. Where only one ground was alleged, neglect, not coping and physical abuse still predominated. Alcohol and drug abuse, emotional abuse and failure to thrive were seldom reported alone.

More detailed comment is offered below on the socio-economic status backgrounds of the cases that were notified. In passing it should be noted that striking differences emerge between cases deriving from "high" and "low" status areas. The percentage of alleged emotional abuse cases is almost twice as high within the high status group and neglect is half as frequent again within the low status group. The present data does not enable us to say whether these statistics reflect a difference in the problems experienced in the two groups, differences in the way similar underlying problems are manifested or differences in the way similar problems are classified by field staff.

At face value the statistics on registered cases or those in which allegations were verified, lend credence to the media's portrayal of abuse as being of an essentially physical nature. Physical abuse accounted for a significant number of the cases registered in 1984 but to some extent the result was a statistical artifact. There are several reasons for believing that because of the design of the statistical forms, many field officers indicated the occurrence of physical abuse when they really meant to signify that such abuse could not be verified.

At one level physical abuse, present in 2 504 cases and representing 34.3 per cent of the total grounds in registered cases, exceeded in importance the two other major grounds present in registered cases in 1984, namely, "not coping" (24.2 per cent) and neglect (14.9 per cent). The problem is that the physical abuse cases include some where the only physical ground is "no visible injuries". The Department has acknowledged that there is evidence that this category is often interpreted by field officers as a "null" category indicating that no abuse has taken place. Relatively fewer of these cases proceed to registration and much less remedial or regulatory action results. Therefore, we should regard the figures on physical abuse as inflated relative to the other grounds for registration, especially parents' failure to cope, neglect, and emotional abuse.

Indeed, two fifths (39.1 per cent) of the total grounds in registered cases involved, either parental inability to cope or the neglect of children. Seen through the eyes of investigating officers, these forms of abuse involve maltreatment well removed from the media stereotype of the physically brutalised child. More often than not the assessment criteria implicit in the reports of the field investigators do not even focus on a condition of the young person or a consequence of the way he or she has been treated. Rather they focus on aspects of the child's material, familiar or social environment and entail assumptions about their inherent harmfulness. Thus the local assessment of child abuse closely resembles the child protection practices studied by Hollander[29] in Sweden: "Increased professionalism within social welfare and child health care has not resulted in more specific explanations of connections between parents and children or in investigation of the conditions which are supposed to be positive or negative for a child's health and development. . . "

Our analysis of major and minor themes in the investigaion of not coping and neglect cases resulted in the identification of nine distinct categories (see **Table D**). Three of these concerned attributes of the children allegedly suffering abuse. The first, disturbed behaviour, was a major or minor theme in the investigation of one case in ten. Aggression, disruptive behaviour and act of a minor delinquent nature were emphasised: "Stands over other children, a generally disruptive influence"; "Extremely active, rushes around throwing things"; "Child misbehaving. . . involved in acts of vandalism"; "Tantrums, gets angry".

Consideration of children's appearance, hygiene and physical care was a major or minor theme in one case in five, sometimes providing a basis for rejecting the allegation of abuse: "There is no evidence of unwashed clothes. The children were having a bath"; "The child says he washes everyday!" A third investigative theme focused on the assessment of children's stress, as evidenced in such things as bedwetting, complaints from an adopted child about being "pushed too hard", a field officer's observation that a child was "clingy and has low self esteem". However, when all three themes dealing with the behavioural, physical and emotional attributes of the children under review are combined (categories (i), (ii) and (iii) of **Table D**), they were present as a major or minor theme in only about a third (35.3 per cent) of the cases that were assessed. In

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[29] Hollander, A., *Omhändertagande Av Barn. En Studie av barnavårdssrial vid förvaltingsdomstolar åren 1974, 1977 och 1982.* Department of Law, University of Umeå, 1985.

the majority of cases, field officers based their assessment of parental inability and neglect on factors that were external to the children concerned. In general terms, they looked to three things:

(i) the adequacy of the children's supervision,

(ii) the standard of their accommodation, and

(iii) the standard of family life as reflected in assessed competence of the parent(s) and the quality of family relationships.

TABLE D

INVESTIGATIVE THEMES, ALLEGED NEGLECT AND PARENTAL INABILITY

Themes	Major		Major or Minor	
	No (N=190)	%	No (N=190)	%*
(i) Child's appearance, hygiene, physical care	21	11.1	39	20.5
(ii) Child's behaviour	12	6.3	20	10.5
(iii) Child's distress	6	3.2	8	4.2
(iv) Control, protection of child	45	23.7	59	31.0
(v) Standard/cleanliness of accomodation	16	8.4	31	16.3
(vi) Parental capacity motivation	25	13.2	46	24.2
(vii) Family relationships	30	15.8	61	32.1
(viii) Parents' relationships	8	4.2	13	6.8
(ix) Mothers' distress	16	8.4	30	15.8
(x) Other	11	5.8	21	11.0

* Exceeds 100%

Control, Protection

In almost one out of every three cases, field staff assessed alleged instances of parental inability or neglect in terms of the child's control and protection. There were some cases in which the alleged lack of supervision was extreme. Parental supervision—almost invariably assessed in terms of the mother—was said to have all but ceased: "The mother is out drinking and has left the children to wander the streets . . ."; "The mother leaves the children with an aunt and passes the kids from one person to another". Occasionally, the threat to a child's security was quite specific and not just the general danger posed by lack of supervision: "The mother threatens to harm the child"; "Father is in fear of violence from two thugs and wants the children placed for their safety in voluntary foster care"; "Mother has left the father, who is a violent man. She is capable of keeping the children safe".

The majority of cases were less dramatic. Frequently, the work or other commitments of parents meant their children remained unsupervised, sometimes for limited periods, in other instances for periods that were less clearly defined: "Mother goes to English lessons so the child is left alone for an hour a day. The mother feels the child is capable of looking after herself. I consider the child is unsafe"; "The case involves a one year old baby being left alone for 13 minutes"; "Mother leaves her young children for up to two hours.

Mother denies that she is not supervising correctly, but one child is ill and being left alone would be unsafe"; "The mother works and child is left alone in a flat after school. Single men also live in the block of flats and she visits them when lonely."

Sometimes complaints merely reflected the concern of a relative or a neighbour that a child may not be adequately supervised: "Notification was made by a concerned aunt. Has seen nothing suspicious—concerned only"; "mother says she always has a babysitter and she is surprised by the allegation". Occasionally, the claimed lack of supervision was tinged with other elements of factual or presumed neglect: "Child stays with neighbours for 2 or 3 days at a time while mother goes off with boyfriend. I feel the child is safe with neighbours". Notwithstanding this assessment, the case was registered.

Accommodation

The standard and cleanliness of accommodation was a major or minor theme of one in six of the alleged instances of not coping and neglect. Cases of this nature embraces the physical adequacy of the accommodation and its state of repair and cleanliness. "There is no water and there are food scraps in every room. The rooms are dirty"; "The quarters are cramped and there is no play space"; "The family lives in a caravan which is neat and tidy but not well serviced. For example, there is an external toilet and small shed for showering and laundering"; "There are four children in one small room"; "The house is weatherboard, rat infested, and about to be demolished. Its untidy and unclean."

Parents, Family

Assessments of the standard of parenting and family life appeared to revolve around four themes:

- parental capacity and motivation,
- family relationships,
- parental reputation,
- parental/mothers' distress.

One or other of the above themes was present in the investigation of 63.2 per cent of complaints. This percentage was higher (84.2 per cent) among the "parental inability" cases than among those in which neglect was alleged (42.1 per cent).

Parental competence and concern are, by nature, difficult to assess and one field officer sought the opinion of neighbours to help resolve the difficulty: "Neighbours report that the family is coping well and that the allegation was malicious and unfounded". In a comparatively small number of cases complaints were assessed in terms of both parents or the family as a whole: "The father has a girlfriend and the mother is overseas and moves around a lot . . ."; "The father is in a psychiatric hospital and the mother is alone with a new baby". However, in four cases out of five parental competence was assessed in terms of *maternal* attributes: "Mother is depressed and not coping. She is thought to be playing the system and seeking sympathy"; "Mother was admitted to psychiatric hospital for post-natal psychosis. She did not return from day leave. There is a question of her ability to cope with four children"; "She is a young woman who says

she is unable to cope with her children"; "Mother seems most unstable"; "Mother has a most unstable history (of heroin use)"; "Mother has migraines and depression and has requested one week's foster care"; "Mother appears to need psychiatric assessment, exhibiting odd behaviour"; "Mother's skills in parenting are inadequate but mother says custody dispute is the reason for difficulties with the children"; "The mother is mad". Several cases in which the alleged "inability" or "neglect" were considered to be unfounded also focussed on maternal competence: "She is a sensible level-headed person": ". . . the mother is intelligent and concerned."

It was at times difficult to separate the above responses focussing on mothers' parenting abilities from another line of assessment that concentrated on the physical, emotional and social stress experienced by mothers. The investigation of one in six of the not coping and neglect cases emphasised maternal stress, either as a major or minor theme. There is no evidence of similar questions being raised in relation to fathers. One case in which registration was recommended involved a mother who had had ". . . a nervous breakdown. The children were sent to an aunt because of the mother's emotional state. Mother has maintained little contact. The aunt is in financial difficulties because of the three children". In another case in which registration was recommended it was said, "Mother has a psychiatric disorder. She is being counselled by every agency in the area". Another mother resented being told by her doctor not to "be silly". One woman requested respite care and another was said to be feeling ". . . depressed, unwell, without any support network". One mother felt she had been rejected by her children and that if it were not for the child's behaviour problems—"If he wasn't here"—everything would be fine. This woman reported intense pre-menstrual stress and general anxiety about her marriage.The basis of another mother's stress was said to be that "she feels she is not a good mother".

Family relationships were emphasised in the assessment of almost a third of the cases. Of the sixty-one cases involved, the attention of field staff was almost equally divided between the relationship of parents and children (thirty-two) and the relationship between parents (twenty-nine). "Good" parent/child relationships were described in quite general terms: "Close family", "Caring parents", "Close knit family", "Obviously loved and well cared for". A parent's rejection of a child caused concern in some cases: "There are behaviour problems, the child is not liked by the parents"; "Mother favours other children in the family . . ."; "Mother rejects the baby". Sometimes the investigating officer was left with a vague feeling of unease about parental/child relationships: "Not sure about relationship between mother and son. Picture doesn't 'gel' ". So far as relationships between parents were concerned, the analysis was particularly thin with little more that a notation that they had separated or that the relationship was "poor". Slightly more specific was the accusation, in several cases, that the father gave insufficient support: "Little contact with father, what contact there is unsympathetic"; "Relationship very poor, husband doesn't help with supervision, discipline. He doesn't talk"; "Father appears to be around minimally—unsympathetic".

A final, relatively minor theme focussed on the "bad reputation" or history of the mother or father. There were just thirteen cases in which parental reputation was a major or minor theme. In one case a defacto husband has previously sexually assaulted two children and it was alleged the mother was again seeing the man following his discharge from prison. The field officer noted: "I warned the mother re. the possible outcome". In another case it was reported that if a father who was drug dependent obtained custody of his son, the child could be deemed "at risk". One mother was suspected of being a prostitute and in another case the district officer felt the explanation of men coming and going was "Too smooth and ready, too plausible". Another district officer suspected that a mother was "living with a defacto".

Social Status and Child Abuse

The relationship between grounds for registration and socio-economic status has been examined in two main ways. First, we compared the extent to which the respective grounds were confirmed in "registration cases" that came from either high or low socio-economic areas. For example, a combined total of 1 102 cases of confirmed physical abuse derived from these two socially contrasting sets of localities, each with virtually identical sized populations. The vast majority (86.8 per cent) of the cases involved residents of low status areas. This finding is consistent with the same areas' share of total notifications (86.4 per cent) and total registrations (86.8 per cent). Thus the gross over-representation of residents of low status areas in child abuse cases generally, was sustained at the same high level in cases of physical abuse. This finding remained unaltered no matter which way injuries were classified according to their relative seriousness.

The second way of examining the relationship between grounds for registration and socio-economic status has been simply to compare the percentage of high and low status registration cases in which specific grounds were confirmed. For example alleged physical abuse was confirmed in 76.8 per cent of low status registration cases and 76.7 per cent of registration cases from high status areas. Hence we can conclude that while detected physical abuse was markedly more prevalent in low status areas, its rate of occurrence was identical among the high and low status cases that were registered (see **Table E**):

TABLE E

COMPARISON OF GROUNDS FOR REGISTRATION WITHIN HIGH AND LOW STATUS GROUPS

	% of confirmed grounds in "Low" Status Group	*% of confirmed grounds in "High" Status Group*	*% of "Low" status registration cases in which confirmed (N=1246)*	*% of "High" status registration cases in which confirmed (N=189)*
Physical	86.8(N=1102)	13.2	76.8	76.7
Drugs	77.4(N=53)	22.6	3.3	6.3
Sexual	85.6(N=111)	14.4	7.6	8.5
Not coping	89.0(N=464)	11.0	33.1	27.0
Emotional	87.1(N=249)	12.9	17.4	16.9
Neglect	93.9(N=296)	6.1	22.3	9.5
Alcohol	91.5(N=59)	8.5	4.3	2.6

Residents of low status were predominant in registration cases involving all of the grounds listed in **Table E.** At one extreme, they accounted for 94 per cent of the confirmed allegations of neglect and approximately nine out of ten of the alleged instances of alcohol abuse and parental inability to cope. The greatest representation of residents of high status areas (22.6 per cent) was in relation to drug abuse. However, even here, remembering the equal populations of the two sets of postcode localities, the residents of low status area were significantly over-represented ($X^2 ... p < .001$).

Within the two samples of registration cases, those from higher status areas included a larger proportion of drug abuse cases. Among the higher volume categories, confirmed instances of neglect (22.3 per cent) were almost 2½ times more frequently within the low status group than within the high status sample (9.5 per cent).

PART IV
CONCLUSIONS

Child abuse is a more controversial issue than its early definers and the media made it out to be. The direct and indirect support of the general public for an all out attack on child maltreatment in the seventies and eighties was acquired at the cost of considerable distortion of the facts. The media's presentation of abuse generally was kept at the simply grasped level of physical brutality. The perpetrators were presented as being "sick". Annual statistics were unquestioningly accepted as indications of a frightening increase in the scale of a problem that warrants collective and total opposition.

But, as we have seen, the factual situation is somewhat different from that presented by the media. In particular, the close connection between notified abuse and disadvantage has remained relatively concealed behind the facade of individual and family "pathology". Admittedly, the nature of the relationship between officially recorded abuse and socio-economic status in not clear. It is possible that even the massive concentration of notifications in low status areas of New South Wales, may largely be attributable to the greater social surveillance of such areas.

Patron[30] would argue otherwise on the basis of British data that shows an increase in serious forms of abuse the further one descends down the socio-economic scale—even within the most disadvantaged stratum. He argues that the disease orientation is unrealistic and involves the blaming of the victim. It inhibits understanding and imposes unrealistic behavioural expectations at a time when people are probably less capable as individuals of controlling their environment and social situation. "The approach deflects attention from deficiency in welfare provision. It results in the social welfare role being investigative, selective and controlling. It presents the state as politically neutral and beneficent: the state acts in the best interests of the family, particularly the child".

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[30] *op. cit.*

The local data affords some support for Parton's interpretation. There are, of course, many cases in which the state's intervention in non-controversial and is necessary to protect a child from severe psychological and/or physical harm. However, our consideration of two relatively high volume categories of non-physical abuse revealed much that was previously thought of as evidence of "neglect", in the new guise of "abuse". Some would consider the tag "poverty" even more appropriate. It would indeed be ironic if just at that stage when may child welfare practices, like protection from moral danger, were being questioned because of their class and gender bias, the scientific and beneficent imagery of abuse registrations afforded new opportunities for the reassertion of social control of the poor.

APPENDIX A

PROFILE OF REGISTRATION CASES

Based on statistics contained in:
Youth and Community Services,
1983-84 Child Data Analysis,
Planning and Research Unit.
August, 1986.

First instances of abuse that came to official notice in 1984 involved a disproportionately large number of children under five years. Of the cases where the children's ages were shown, *two out of five notifications (41 per cent) and a little less than half (48 per cent) of registrations, concerned children under five, although this age group accounts for only 27.2 per cent of the state's 0-16 year old population. Thus 1.5 times as many under fives as one might have expected, came under notice. Thereafter the numbers progressively thinned out until by age 15, there were precisely half as many notifications as one might have expected on the population basis. Children of higher socio-economic status were more likely to be found among the older age groups. For example, 43.0 per cent of the higher status children (N=340) were 10 years or older compared with 30.5 per cent of the children from the lowest status areas (N=2176; X2...P<.001)

Slightly more females (51.6 per cent) than males (48.4 per cent) were the subject of notifications in 1984. More distinct was the predominance of girls among the teenagers who were notified and for whom age and sex were recorded. Notifications involving the under 10 year olds comprised roughly equal numbers of girls (48.7 per cent) and boys (51.3 per cent). However, girls accounted for (58.5 per cent of the notifications that involved children over 10 years of age while boys accounted for 41.5 per cent (X2...P<.001). The difference was most striking among those who were 15 or older. Girls accounted for 70.3 per cent of the notifications in this age group.

Departmental data on the ethnic background of the cases processed in 1984 was acknowledged to be unreliable. The major finding was that Aboriginal children were heavily over-represented, their numbers being in excess of six times what could have been expected on a share of population basis. Data on the number of children in households was also incomplete** Nevertheless, it is clear that notified and registered children are more likely than other children to come from large families. For example, in 1984, 22.4 per cent of notified children for whom the relevant data was available, came from households of four or more children. In the general community, about 8 per cent of children derived from households of this size. Children from lower socio-economic backgrounds (12.2 per cent) were more likely than those from higher status areas (7.6 per cent) to belong to households with five or more children (X2=...P<.02>.01).

The department responses to notification and registrations were necessarily varied. They ranged from informing families of the fact that allegations had been made to the social and medical investigations of those allegations, referral to other agencies and, in some cases, court action. The responses were so varied that it is difficult to do justice to them under a limited number of headings. Nevertheless, certain broad trends were discernible.***

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* The ages of subjects were available in 89.7 per cent of notification cases and 91.7 per cent of registered cases.

** This information was not available in 16 per cent of notification cases in 1984.

*** Based on records from date of notification to completion of "Form 2".

First, there were few notification cases and ever fewer registration cases—1.8 per cent in 1984—where no "action" was taken. Doctors were consulted on one quarter of registrations, especially those that involved sexual abuse. The child was removed in more than one in five of registration cases. The action occurred most frequently with drug, alcohol, "not coping", emotional abuse and neglect cases. Voluntary placement was more common than apprehension although the numbers were approximately equal in cases of sexual and alcohol abuse and neglect. Court action was taken in one in every eight registration cases but occurred more frequently (one in every five) in cases of sexual abuse. On the other hand, almost half (45 per cent) of the cases that were registered were referred to other agencies. Most likely to be referred were cases in which parents were judged not to be coping or where the grounds for registration were emotional or sexual abuse.

PRESENTATION OF PAPER

Professor Tony Vinson

The invitation to present this paper gave me a chance to pull together some data that I had been collecting for quite some time on the field of child abuse. The result is a paper that is rather long, so what I will try and do is highlight a few of the things that I consider are important in it.

The reason why I am interested in the field is that ten years ago we did not talk about child abuse. It is a relatively new concept. New words have come in to describe it, and the paper is to some extent devoted to trying to find out how an idea could gain such an ascendancy in the human welfare field in such a short time. I hasten to add that I am in no way putting down the importance of child abuse. A single case of it, I am at some pains to say at the outset, is enough to cause us all very considerable concern.

But the way we have gone about dealing with it in New South Wales, and our State I think is representative of other places, with the emphasis on counting and registering cases and responding with alarm to the ever spiralling figures on child abuse, may have had some consequences that do not really serve the children whom we are supposed to be concerned about.

First of all I think we have somewhat camouflaged the social circumstances in which child abuse tends to occur. Secondly, I think our preoccupation with the counting exercise may have resulted in some dissipation of energy so that the children who need help most are perhaps not getting the service they deserve.

As part of the present exercise I have attempted to accompany field officers, either in person or by way of the reports that they prepare, in search of the implicit and explicit criteria that they use in assessing complaints of alleged child abuse. I suppose one of the most important things I have attempted to say in the paper is that it looks very much as though some very familiar concepts of the past, concepts that people thought had gone out of vogue in social welfare, particularly child welfare, are alive and well. The old gender biases and the role that poverty plays in such matters seem almost to have been camouflaged by the new language of abuse and the new system of reporting it.

Part of the paper is devoted to speculating on the possible life cycle—career path perhaps would be a better way of putting it—of ideas about human welfare. While that aspect is of great interest to me, I do not think I should focus on it beyond saying that there is quite a bit of evidence for the type of development I have claimed. The new idea comes in, it competes with others for some time, there is a protracted period of incubation during which influential people embellish the new concept and it receives publicity. Beyond that stage, a remarkably small amount of these new ideas really "take off". That is what happened with child abuse in New South Wales. Look particularly at the notification figures. They are the figures that tell us about the alleged incidence of child abuse from 1977, when the State first started to take a major interest in these matters. Up till 1981 you had a very, very low level of notification and then around about 1981–1982 the whole thing skyrocketed.

We cannot simply blame the media for the development, because if you also look at the number of articles about child abuse from, say, 1975 onwards you find the peak publicity occurred during the early years, from 1975 to 1978. Something seems to have clicked around about 1981. From a careful examination of the sources of complaints or allegations of child abuse you gain the very distinct impression that around that time it became acceptable to start reporting other members of your household, people in your street, members of your family. What happened was a switch from a heavy emphasis on official sources of reporting, i.e. child welfare officers, social workers, doctors, etc., to informal sources of reporting. At least reports from that sector increased dramatically after 1981.

On page 32 I have presented what might be regarded as a sample of the "media hype" that can surround the presentation of such issues, but I also try in the paper to convince you that it is not just a matter of the media running amok. In this case the media took up definitions of the problem that had been provided by professionals engaged in the field, and more especially (*see* pages 32 and 33) by politicians engaged in the field. It was in December 1985 that the Minister for Youth and Community Services remarked that the problem had reached such proportions that his Department did not have the resources to cope. He claimed a 50 per cent increase over the previous year in the number of notifications, a statistic that the Minister said would send a chill down the spine of welfare experts and concerned citizens. Well, it certainly did so far as the media was concerned and I have included some examples of the responses that were drawn by the Minister's remarks.

Those responses concentrated on physical and sexual abuse of children. Indeed the *Daily Mirror* responded by saying that every 24 hours between forty and fifty children are violently beaten or sexually assaulted. I was unable to work out how they knew that until I divided 16 000 by 365! But when you get down to looking at what 16 000 notifications actually alleged then, of course, reports about children being physically or sexually violated comprised only a fraction of the complaints.

There are a number of questions about the statistics that the media has not asked and has not been encouraged to ask. They concern such things as the precautionary notifications that have developed in New South Wales following the great publicity given to the *Montcalm* case and the case of *Maria Colwell* in England. There has been some not too subtle encouragement given to social welfare workers to report cases "just in case something goes wrong". I am aware of officers in some agencies gathering up armfuls of cases and notifying them "just in case something goes wrong and we will not have to cop the consequences". Also, since late 1985, it has been somewhat difficult to get emergency assistance via the Department of Youth and Community Services unless one is able to say that the requested emergency assistance is on behalf of children or families where there is a danger of child abuse.

In **Part II** of the paper I have tried to say something about agenda setting in this field. The agenda for child abuse was really set overseas where there was a very heavy medical emphasis. Paediatricians, radiologists, medical people generally, played the leading role in the rediscovery of child maltreatment or child abuse. A great deal of emphasis was placed on psychiatric factors. It was

claimed that we can only understand child abuse by seeing it as the manifestation of mental and behavioural sickness. In its initial form child abuse was thus given a somewhat non controversial character for as long as we thought of it as physical and involving sickness in some sense, then it was easier to get a united response to it. That is what happened overseas and that is what happened in New South Wales.

This medicalising of the problem was at the expense of the limited but known facts about the field, those facts being essentially that for every study that claims to have identified the attributes of an abusive parent, next week brings another report emphasising diametrically opposed personality or psychiatric characteristics. There is simply no accepted profile of the charactertistics of people who perpetrate so called child abuse. The futility of approaching the topic in this way is borne out by our appalling inability to predict abuse. For every occasion on which you correctly forecast a case of child abuse you will be wrong on two other occasions. It does not seem a very good basis on which to "medicalise" the problem.

The public presentation of child abuse in New South Wales has been distorted in a number of other ways. Again I stress that the responsibility for that must be borne not only by the media. There is an inter-action between the media and the definers of social problems. The other errors to which I have drawn attention include the distorted scale of the problem. Each year we have had reported notification figures which go up by 100 per cent. When you get down to looking very closely at the figures you find that, for example, in 1984 one third of the cases that were notified and which became the basis for widespread publicity about the problem being out of control, progressed to registration. That means that in one third of those cases that were investigated grounds were thought to exist for regarding a child as being "at risk". Now, of that one third a substantial number were in fact registered in previous years. So, by my estimation, it comes down to about 24 per cent of the figures publicised in 1984 being actually registered cases of child abuse. I should note the co-operation of the Department of Youth and Community Services in making this analysis possible.

Another distortion concerns the (claimed) predominately physical character of abuse. This claim is not even true of the notifications statistics. Categories of abuse, like "neglect", and parents being unable to cope, account for a larger proportion of the notification figures. If you then look at the registration figures there is an initial impression that physical abuse predominates. A careful examination of the figures, however, shows that the slight excess of physical abuse over other forms of abuse is really a statistical artifact. Field officers have recorded physical abuse when they really meant to say that they could not find any evidence of it. The Department acknowledges this anomaly.

Two fifths of all the cases in 1984 involved two "softer" categories of abuse, in the sense that they are harder to define. I refer to parents being unable to cope, and child neglect. When you dig into these cases, and we have done that by taking a close look at them, what emerges is a very heavy emphasis on traditional "child welfare" concerns. You find references to "mother not coping", "mother under stress". There is a very strong emphasis not on how the parents are coping or how the family is coping, but how the *mother* is coping.

What I have tried to say in the paper is that many of the ways in which we used to look at families 10 or 15 years ago have re-emerged in a new guise, "abuse". The descriptions of what is wrong in these families make tremendous assumptions about the harmfullness of the social conditions under which many people live. The assumptions are biased against people of lower social status. These findings parallel those of a similar Swedish study where it was found that child abuse was not assessed in terms of some attribute of the child—physical well being, or behaviour, or state of cleanliness or something of that sort—but it was a matter of inference from the social circumstances of the child.

Finally, in regard to the question of the perpetrators of abuse, we have compared the postcode areas of New South Wales in which the 10 per cent of the population that is at the top of the social scale reside with the areas in which the 10 per cent of the population who are at the bottom end of the scale live. The differences in the rates of notification, registration, and in almost every form of child abuse that we looked at, was quite overwhelming. The figure never seemed to vary much. About 86.5 per cent of the cases that came from either the upper or lower areas in fact came from the lowest social stratum. That invites a few thoughts about what we are dealing with here. It may be that this is just another of those occasions when the very close social surveillance of one segment of society results in a comparative overreporting of the problems of that group. There are some researchers who would dispute this interpretation of the abuse figures. Some overseas writers particularly Parton, report that the incidence of serious child maltreatment increases the further one progresses down through the group that represents the least advantaged 10 per cent of members of society. We are trying to see whether the same is true of New South Wales but that investigation is incomplete.

I would say in conclusion that our consideration of these two relatively high volume categories of non physical abuse has revealed much that was previously classified under the heading of neglect. Some consider the tag "poverty" to be more appropriate. It would indeed be ironic if just at that stage when many child welfare practices, like protection from moral danger, were being questioned because of their class and gender bias the scientific and munificent image of abuse registrations afforded new opportunities for reassertion of the social control of the poor.

FROM BODGIES AND WIDGIES TO J. R. EWING: BEYOND FOLK DEVILS IN MEDIA DEPICTION OF CRIME

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Bodgies and Widgies

Ten years ago now, Michelle Barker and I[1] applied some of Stanley Cohen's ideas on folk devils and moral panics[2] to the Australian phenomenon of the 1950's, the bodgies and widgies. Bodgies and widgies are a long extinct variety of Australian folk devil: the purpose of that article was to show that much of the crime and deviance of the bodgies and widgies was manufactured by the media. It was a moral panic which affirmed the normalcy of the rest of the community in the face of the unsettling trends of the 1950's toward the creation for the first time of distinctive youth subcultures fuelled by adolescent affluence which could support non-adult record and fashion industries.

We showed the role of the mass media during the 1950's in constructing the bodgies and widgies as folk devils. There were a number of stages to the construction of a new public interpretation of the crime menace. We could apply similar categories of analysis to recent moral panics in Australia, such as the interpretation that Australia is in the grip of evil empires of organized crime, the social construction of an Australian Mafia with its head office in downtown Griffith.

The stages identified were:

1. *Exaggeration.* The media distort and misrepresent the amount of deviant activity among groups loosely identified as bodgies and widgies. While the media during the 1950's carried very little in the way of specifics on the crimes of bodgies and widgies, newspapers constantly implied that there was more to the problem than met the eye by references, for example, that "bodgies and widgies have gone underground" Liberal use was also made of the generic plural. A bodgie smashing a window becomes "windows were smashed".
2. *Accommodation.* Deviant acts perpetrated by non-bodgie youth are interpreted as the work of bodgies and widgies.
3. *Symbolization.* The mass media construct the content for deviant role playing behaviour by transmitting expectations as to how the sterotypical bodgie should behave, where he should go, what he should wear. The Brisbane press, we showed, even instructed young people on where to join up: "Favourite haunt of the bodgies and widgies is the end of the pier at Shorncliffe, where outlandishly dressed youths and girls congregate to jive" (*Sunday Truth,* 30 March 1958).

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[1] John Braithwaite and Michelle Barker, "Bodgies and Widgies: Folk Devils of the Fifties" in Paul R. Wilson and John Braithwaite (eds.) *Two Faces of Deviance: Crimes of the Powerless and Powerful.* (Brisbane: University of Queensland Press, 1978)

[2] Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers,* (London: Paladin, 1973)

4. *Prediction.* Deviance is assumed to be nontransient and self-fulfilling prophecies are made.

> Alert on Gang War! Knives Out in Bayside Clash
> Police in the bayside suburb of Sandgate have been alerted to stand-by today for Round Two in a bodgie war! Today, rival gangs of bodgies and widgies from Redcliffe, Sandgate, Zillmere and Lutwyche are expected to continue the all-in vicious fight they began last Sunday night (*Sunday Truth,* 30 March 1958).

Such incidents are built up by media prophecy before the event, while after the event the media justify the veracity of their dire predictions by exaggeration. A dramatic American illustration of that was the Mafia purge day of 11 September 1931 in which Lucky Luciano ordered the assassination of Salvatore Maranzano and took over his empire. Popular accounts vary of between 39 and 200 Maranzano men murdered. We have all seen both documentary accounts of the purge day and fictionalized accounts such as in *The Godfather.* According to former Mafia member Joseph Valachi, Luciano masterminded a "painstakingly executed mass extermination" of Maranzano's machine. But in a recent publication, Humbert Nelli[3] concluded that only Maranzano and possibly one other person was purged, that the definitive insider witness, Valachi, was repeating myths and half-truths from the folklore of the Mafia, that syndicate members can be among the firmest believers in exaggerated media accounts of their own organization's history.

5. *Generalization.* The bodgie-widgie becomes a symbol of a perceived wider social malaise.
6. *Degradation.* Public status degradation ceremonies for bodgies and widgies are advocated and instituted.

That will do for our purposes here; in the article Michelle Barker and I went on to discuss five further stages ultimately leading to the dismantling of the bodgie and widgie menace. All I have strived to do is give some taste of how and why the media can supply us with a very distorted picture of the crime problem.

J. R. Ewing

In *Two Faces of Deviance*[4], Paul Wilson and I also identified as another kind of distortion the consistent media portrayal of crime as a working class phenomenon, largely ignoring white collar crime. I don't think this is a criticism we would make today, at least not in the same form. I noted a *New York Times* story of 29 January in which business leaders were bemoaning the portrayal of businesspeople on television as ruthless crooks.[5] Instanced in the story were J. R. Ewing of "Dallas", Alexis Carrington on "Dynasty", episodes of "Cagney and Lacey" dealing with a toy manufacturer dumping toxic wastes, of "The Equalizer" in which Edward Woodward deals with a criminal company president, and so on.

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[3] Humbert Nelli, 'Overview' in Robert J. Kelly (ed.), *Organized Crime: A Global Perspective.* (Totowa, N. J.: Rowman and Littlefield, 1986).
[4] *op. cit.*
[5] Barbara Basler ' "Bad Guys" Wear Pin Stripes', *New York Times,* 29 January, 1987, pp. D1, D7.

But of course J. R. Ewing is every bit as much a caricature of evil as were the media depictions of bodgies and widgies. Unfortunately, with both crime in the streets and crime in the suites, we get very little in the way of sensitive portrayals of the pressures, social structural and psychological, which render law-breaking a comprehensible means of dealing with a problem of living. Perhaps it is inevitable that the mass media will cultivate escapism, simple-minded accounts of the sources of our social problems, so that the dramatization of evil will always be the standard fare. Those of us who work with and in the criminal justice system know that media reinforcement of the evil men and women thesis helps create a climate of opinion which makes sound criminal justice policy difficult. All we need do is eliminate the men in the black hats and the fight against crime will be won.

Corporate Offenders and the Media

This said, I confess to some ambivalence these days about portrayals of evil in the mass media. The ambivalence arises in part from work which Brent Fisse and I did on *The Impact of Publicity on Corporate Offenders*.[6] This was a study of 17 cases of adverse publicity crises which large corporations suffered as a result of allegations of corporate crime or misconduct. To make a long story short, we found that the media scandals in which these companies became embroiled generally had little effect on them financially. The scandals did, however, have a variety of non-financial impacts—loss of individual and corporate reputation, effects on morale, top management distraction from getting on with the job—which meant that the corporations and their executives were generally much more concerned about and deterred by adverse publicity than they were by the prospects of any sanctions courts of law might impose.

Given the inability of the criminal justice system to deal with corporate crime, Professor Fisse and I were attracted to consider a number of policy options for harnessing the power of adverse publicity to control corporate crime. To some extent, these were directed to regulating abuses of media expose tactics, but more fundamentally they were concerned to foster public interest activism of the Ralph Nader variety, investigative journalism, the use of press releases by business regulatory agencies to draw public attention to corporate abuses and other means of informal corporate crime control. In practical terms, community involvement in informal social control holds out more prospect of checking corporate abuses than do the courts; we can achieve more to prevent occupational health and safety offences by mobilizing trade union concern than by litigation, more to improve pharmaceutical advertising by counter-advertising campaigns than by prosecutions for misrepresentation, important as the latter are.

Intolerance for Corporate Crooks, Understanding for Robbers and Rapists?

But if we recognize the importance of mobilizing public opinion to denounce crimes of the powerful, is it not a kind of reverse class bias to reject out of hand denunciatory media treatment of common crime? Media denunciation, whether directed at tall poppies or juvenile delinquents is susceptible to abuse and gross simplification of complex social relationships, as we have already seen. Whether those denounced are judges, reputed Mafia

[6] Brent Fisse and John Braithwaite *The Impact of Publicity on Corporate Offenders* (Albany: State University of New York Press, 1983).

bosses or bodgies, we can see the common elements of exaggeration, accommodation, symbolization, prediction, generalization and degradation at work, because these are elements which create media appeal. At the same time, for both crimes of the powerless and powerful, mass denunciation is important to sustaining public commitment to compliance with laws which protect our persons and property.

Those of us on the left in the law and order debate should engage in some self-examination if our position is denunciatory treatment of crimes of the powerful and sympathetic media coverage of crimes of the powerless. What I now wish to argue for is denunciatory treatment of all crime which injures citizens or unjustly deprives them of their property, but denunciation which is less locked into the pathology of evil persons and more focused upon the evil of the deed and the circumstances which promote that evil.

The Curriculum of Crimes

We need mass media denunciation of crime because we live in a mass society. If we lived all our lives in a village, we could learn all we need to know about right and wrong from our elders, but to be activist citizens in a mass democracy we need exposure to many kinds of moralizing which our parents are not well equipped to supply. It is the mass media which are more likely to usefully instruct us in the evils of irresponsible manufacturing or transporting practices for hazardous chemicals or nuclear materials, in the dangers of even such simple crimes as credit card fraud.

The mass media are needed, then, to ensure that in the socialization of children, the curriculum of crimes, the lengthy syllabus of sins in a complex society, is covered. Parents don't need to be as systematic about socializing their children concerning the content of the criminal law as they would be in a media-free society because the media helps them to be systematic. Our children ask us as parents what rape is, what bribery is, when they hear these concepts on the news and in television drama. Moreover, if the media described incidents of rape in morally neutral terms, rather than in the way they do—a way that strongly suggests evil—then they would also fail in communicating to children that this is one lesson in the curriculum of crimes. In short, my suspicion is that societies in which the mass media moralize about rape, where incidents of rape are surrounded with indignation and shame, are societies with a better chance of controlling rape. The same goes for bribery or shoplifting or any other crime.

So those of us socialized into the intellectual traditions of the sociology of deviance must overcome our propensity to sneer at scandalizing media coverage of crime. We would be worse off as a society without it.

Beyond Coercive Determinism: Beyond Tolerance and Understanding

Most compliance with the law is not achieved through deterrence—either specific deterrence or general deterrence. Most of us comply with the law most of the time not because we rationally weigh our fear of the consequences of detection against the benefits of the crime, but because to commit the crime is simply unthinkable to us. Denunciation and shaming are the social processes

which lead to the cognition that a particular type of crime is unthinkable. Cultures where the social process of shaming is muted are cultures where citizens often do not internalize abhorrence for crime.

The media like to construe themselves as simply providing entertainment or objectively telling people the news. Critics like to construe the media as whipping up whatever melodrama is needed to sell advertising space. But as far as crime is concerned, I am arguing that the more important interpretation of the value of the media does not follow either of these paths. We can construe the media as playing an important role in crime control by contributing to conscience-building and by helping those responsible for the socialization of the young to cover the curriculum of crimes.

I am an advocate of a less punitive criminal justice system, one that uses the courts less to solve problems of living, of a society that uses informal community control more. If one wishes to see a shift away from coercive social control in favour of heavier reliance on moralizing social control, then I think one has to transcend a left-liberal condescension toward mass media scandalizing of crime, and to see it rather as one of the necessary elements of a more constructive approach to the problem of crime.

In another work, I am developing this theme in some detail.[7] My contention is that what makes for societies with less crime, and societies with greater potential for liberty, is effective social processes of shaming. The distinction I make, however, is between shaming which is stigmatizing or outcasting and shaming which is reintegrative. The former, I argue, following the contentions of labelling theory,[8] is counterproductive. The latter, which adapts the evangelical precept of "hate the sin and love the sinner" is the stuff of effective crime control. Or in the language of the labelling perspective, crime is controlled when shaming is potent without pushing an individual into a master status trait.

While coercive social control assumes criminals to be determined creatures who must be deterred or otherwise bludgeoned into conformity, moralizing social control assumes choosing beings who can be swayed by the content of social disapproval. By no means can we eliminate coercive social control. Yet to the extent that a society manages crime by a parsimonious use of coercive control made possible by effective social processes of moralizing, its citizens will be better off. What this means for the responsibilities of the media is the avoidance of stigmatization, resisting the temptation to manufacture folk devils. But it does not mean media coverage of crime which is tolerant and understanding; rather, my advocacy would be for media coverage which is intolerant and understanding when it comes to serious crime. I will leave it to those who will be astute enough to attend the seminar and to purchase a copy of the book to appreciate the full significance of these hypotheses.

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[7] John Braithwaite, *Shame and Reintegration: A Theory of Crime*, submitted for publication.

[8] See, for example, Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance*, (New York: Free Press, 1963).

PRESENTATION OF PAPER

Dr John Braithwaite

When one has a group of left or progressive people on a platform talking on the topic of media and crime there is a tendency to be critical, to focus on issues of exaggeration and stigmatisation in the media. We have had wholesome manifestation of that tradition in the first two papers, and it is a tradition that I have upheld in my own work, and a tradition I do not repudiate.

However, I want to focus on the other side of the coin which is to ask the question should progressive analysis of criminal justice policy also find a positive role for mass media denunciation of crime. To start with a little projective test, and show this rather massive banner from the *Sun Herald* of February, 1987 "SEX TRADE IN ASIAN KIDS", and a small box that says "Sydney's Shame". Those of us oversocialised into the core traditions of the sociology of deviance tend to react to that with categories of analysis like stigmatisation, exaggeration, the exploitation of women's sexuality, and so on. That is an important response to have to that kind of media product but what I want to suggest is that before one group can go on to a more politically constructive analysis of the role of the media, one has to go one step back into the theoretical roots of our position. I am afraid those who are adverse to academics giving overly theoretical presentations should perhaps leave now because in the limited space available that is what I will attempt to do.

The dominant tradition that leads to the kind of automatic response to that story, without getting into the details, is the response rooted in the labelling theory tradition; and there is a grove there that needs to be partially got out of. I do not know whether the allegations in the story are true or not, but if they are true and fairly reported it is about women being flown to King Cross from Bangkok and being maintained in conditions of virtual slavery in Kings Cross. There is an important positive thing that is happening in the disclosure of such a scandal, and what I want to do is begin to suggest how we might think about those positive elements.

The dominant tradition of labelling theory tells us that once a person is stigmatised with a deviant label a self fulfilling prophesy unfolds, as others respond to the offender as deviant. She experiences marginality, is driven to sub-cultures which provide social support for deviance, she internalises a deviant identity, she experiences a sense of injustice at the way she is victimised by agents of social control, her loss of respectability may push her further into an underworld by causing difficulty in earning a living legitimately. Deviance then becomes a way of life which is difficult to change and which is rationalised as a defensible life style within deviant sub-cultures. Different versions of that basic theme are what labelling theorists have to tell us, that there are three stages of the labelling process. The process firstly provides for a formal confrontation between deviant suspects and representatives of her community as in the criminal trial, psychiatric case conference, or a media exposé; they announce some judgement about the nature of the deviance, a verdict or a diagnosis for example, and thirdly they perform an act of social placement assigning her to a social role like that of prisoner or patient. That is how Erickson defines the three stages of the labelling process.

The important point for a more sophisticated theoretical understanding of what is going on, is that there is a further stage. All of the emphasis is on entering into the deviant role and there is no emphasis on the decertification of deviance, the exiting from the deviant role—the importance of alternative roles like the repentant role, ceremonies to decertify the deviant. Think of Alcoholics Anonymous for example. What would be the labelling theory analysis of that phenomenon? I have never been to an AA meeting, but what the literature tells us happens is that new members of the group are encouraged to identify themselves as sinking to the lowest levels, as being in a near-skid-row position. The labelling theory analysis tells us that that has got to be making things worse. Yet there is a further stage in Alcoholics Anonymous whereby the alcoholic, having identified himself as having a problem, is encouraged to redefine her situation as that of the reformed drunk. There is a new role, a repentant role, and that is what advocates of that kind of approach argue is important to understand. Labelling is followed by a reformed drunk role which occasionally gets runs on the board in helping people with their alcohol problems.

In other cultures the repentant role is obvious, but it is not an important part of our culture. It is there but the Prodigal's son is hardly one of our great folk heroes. In cultures such as Japan, however, the public are rather regularly plied with spectres such as those of repentant corporate executives on the television admitting their sins in distributing a hazardous product or culpability for similar corporate illegalities.

The critical conceptual distinction we have to make is between stigmatization and shaming which is re-integrative. Stigmatization is shaming which is outcasting, shaming which pushes people into deviant master statuses. Reintegrative shaming is focused on the evil deed rather than the evil person or on evil institutions rather than the evil person. Ceremonies to certify deviance are followed by ceremonies to de-certify deviance. Those are more constructive and finely tuned notions of the way shaming works in a culture, and in most cultures in modern mass societies, the mass media is important to that first stage of shaming. However, what goes on in proximate groups, our peer groups, our schools, our workplace and so on, is enormously more important than what happens in the media.

Proximate groups are even *more* important in the reintegration part of the process. There the media actually has a very limited role although it has *a* role, as in the Japanese corporate executive example I talked about, and occasionally we do see in our own media some copy which focuses on repentance, on values like forgiveness, and reintegration, the story of the pop star who gave the heroin away, the reformed corporate criminal and so on.

Let me now briefly make eleven points, which I will not argue at all, about the relationship between public shame exerting pressure for private individual shaming as the stuff which really matters, and of course, the mass media being the important background to that; reasons why reintegrative shaming may work in preventing crime;

1. There is a perceptual deterrence literature that suggests that specific deterrence associated with detection for criminal offending works primarily through fear of shame in the eyes of intimates rather than fear of formal

punishment. The likelihood of future crime is not much effected by what people reckon is the probability and severity of punishment, but how worried they are about what mum and dad and others will think.

2. Shame not only specifically deters a shamed offender it also generally deters many others who wish to avoid shame and who participate in and become aware of the incident of shaming.

3. Both the specific and general deterrent effects of shame will be greater for persons who remain strongly attached in relationships of inter-dependency and affection because such persons will accrue greater inter-personal costs from shame and that is one reason why re-integrative shaming makes for more effective social control and more just social control than stigmatization.

4. A second reason for the superiority of re-integrative shaming over stigmatization is that stigmatization can be counter-productive by breaking attachments to those who might shame future criminality by increasing the attractiveness of groups which might provide social support for crime.

5. However, most compliance with the law is not achieved through either specific or general deterrence. Most of us comply with the law most of the time *not* because we rationally weigh our fear of the consequences of detection against the benefit of the crime but because to commit the crime is simply unthinkable to us. Shaming is the social process which leads to the cognition that a particular type of crime is unthinkable. Cultures where the social process of shaming is muted are cultures where citizens often do not internalize abhorrence for crime.

6. Once consciences have been formed by cultural processes of shaming pangs of conscience then become the most effective punishment, because whereas conscience delivers a timely anxiety response to every involvement in crime other negative reinforcers such as incarceration are delivered unreliably or with delay.

7. Shaming is therefore both the social process which builds consciences and the most important backstop to be used when consciences fail to deliver conformity.

8. Gossip within wider circles of acquaintances and shaming of offenders not even known to those who gossip are important for building consciences because so many crimes will not occur in the direct experience of limited groups like families, or school classes. Societal instances of shaming in the media remind parents and teachers of the need to moralize with their children across the whole curriculum of crimes.

9. Public shaming puts pressure on parents, teachers, and others to ensure that they engage in private shaming which is sufficiently systematic. Public shaming increasingly takes over the role of private shaming once children move away from the influence of the family and school, and that is one reason why public shaming by media reporting of decisions of courts of law has a more important role to play with strictly adult offences like crimes against the environment than with predominantly juvenile offences like vandalism.

10. Public shaming generalizes familiar principles to unfamiliar or new contexts. It integrates new categories of wrongdoing which may arise from technological change, for example into pre-existing moral frameworks. Public shaming transformed the loss of life in the battle at My Lai into a

war crime or a massacre, and through our distant involvement in that media event of shaming the moral category of illegal killing acquires some expanded meanings. But while most citizens are aware of the content of most criminal laws, knowledge of what the law requires of citizens in detail can be enhanced by cases of public shaming. Through shaming directed at new legal frontiers in recent years, feminists, for example, have clarified for citizens just what sexual harassment, rape within marriage, and employment discrimination might mean. Social change is increasingly rapid particularly with burgeoning new technologies which require new moralities of nuclear safety, environmental safety, consumer safety, responsible use of new technologies for information exchange, electronic funds transfer, ethical exploitation of new institutions such as Futures Exchanges and so on, the list could be endless. Shaming is thus vital in sustaining a contemporarily relevant legal and moral order.

11. Cultures with heavy emphasis on re-integrative shaming establish a smoother transition between socialization practices in the family and socialization in the wider society.

The importance of all of that is that if we want to move away from a punitive model of social control, the alternative is a moralizing model of social control. You cannot have a society that does not exercise social control over exploitative behaviour of some people toward others, and what I might therefore argue is that it is the moral educative effects of the criminal justice process which are the important effects rather than the deterrent or incapacitation or rehabilitative effects.

The proposition is that if we want a freer and less repressive society, and a society with less crime, the way "to have our cake and eat it", is to move from punitive social control to moralizing social control. There is a conventional wisdom in criminology that we have to make a choice between a society which is freer and more liberal and a society which has more effective crime control, that there is a trade-off between liberty and crime. I think we can transcend, in my view, that theoretically naive hydraulic relationship between freedom and crime control if we think about the possibilities for moving from punitive social control to moralizing social control. If we take that seriously then there has to be a positive role for the mass media in the process.

COMMENTARY

Jenny Earle B.A.(Cantab)

Legal Research Officer,
Women's Co-ordination Unit,
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I have been invited to comment briefly on the issues raised by the other speakers, in recognition of the key role women's groups and feminism have played in encouraging a critical analysis of the role of the media in creating or exploiting community attitudes to crime. I have been involved in discussions of this through my work in the Womens Co-ordination Unit, Premier's Department, particularly with the Sexual Assault Committee and the Services for Victims of Crime Task Force, but I am speaking here in a personal capacity.

In being at the same time gender blind and sex mad, the media actively helps construct the public perception of what *is* crime, who is a criminal, who is an "innocent victim" and "who asked for it".

Feminist critiques of the media and its effects on attitudes to crime tend to cut across the civil libertarian and right-wing authoritarian positions, both of which share a preoccupation with the offender—his protection or punishment—and focus instead on the victims of crime and on the structures of power which create the potential for abuse. Feminists have challenged the pathology of male violence and its impact on family life.

The women's movement can also claim most of the credit for encouraging women and children to speak out against the crimes of sex and violence perpetrated on them, crimes that have historically been subjected to a great cover up, and to which the media has paid little regard.

The extent of domestic violence, sexual assault and child sexual assault in the home is gradually, and in the face of considerable resistance, being exposed. But this is not reflected in media accounts of crime. Take homicide for example. As Alison Wallace, author of a recent report, points out:

> The manner in which journalists report and novelists write about murder plays an essential part in moulding community attitudes to the crime . . .
>
> Media reporters tend to concentrate on publicising those cases which are rare, sensational or abnormal—those, in short that make a good story. Typically, it is unprovoked attacks by strangers and cases involving bizarre methods of killing that hit the headlines.
>
> Community fear is located in those few 'dangerous offenders' whose offences hit the headlines. But the social reality of homicide is very different from that portrayed in the media and fiction . . . It is a crime that is most often committed against the offender's own circle of acquaintances.[1]

[1] Alison Wallace, *Homicide—The Social Reality*, Bureau of Crime Statistics and Research, August, 1986, p. 2.

Wallace's study *Homicide—The Social Reality* shows that by far the largest category of homicide consisted of those classed as domestic and that women were far more likely than men to die in this way.

Such a picture is rarely reflected in media representations of crime, or indeed of social reality. Only immediately after the release of that research last year in August did we get reports like the one in *The Sydney Morning Herald* on 21/8/86: "Murder in Marriage—Stay out of the bedroom and away from hubby". And even this, while purporting to "tell it like it is" managed to trivialise the risks faced by women; how to reconcile "hubby" with "homicidal maniac"?

Which brings me to Paul Wilson's paper and the point he makes about the media portrayal of child abusers and rapists as "beasts, fiends, monsters, maniacs" etc. He argues that the indiscriminate use of such terms by the media encourages people to perceive all offenders in such terms and tends to prejudice the prospects of a fair trial for individual defendants.

Feminists, too, object to the portrayal of sex offenders and murderers as mad and freakish, not so much because the individuals are thereby prejudiced, but because it serves as a protective smokescreen for the majority of men and male offenders whose crimes are never detected because they *cannot* be characterised as maniacs; most offenders in domestic violence, sexual assault and child sexual assault cases are not madmen—life would be so much easier for women if they were—they function on the whole as normal men: husbands, boyfriends, fathers and sons who consider it still part of a man's prerogative to assert his power and exercise his control over women and children through the use, if necessary, of physical and sexual force. In so far as the media does publicise these crimes, it is in a way that sensationalises and distorts the reality. This is very damaging to women in the community, the victims of these crimes, who are led to believe that the men that they marry are their protectors, not the perpetrators.

Again, whilst Paul Wilson is concerned about the possibility of offenders being "put on trial" by the media, and media coverage tending to increase the likelihood of a conviction, feminists would argue that in fact such publicity makes even harder the job of convicting the "ordinary family man" of, for example, domestic violence offences. When "hubby" turns up in court in a suit, pleasantly smiling, rather than frothing at the mouth, indeed looking as if butter wouldn't melt in his mouth, and telling the magistrate what a pillar of society he is the magistrate and the media are only too willing to believe him. For the world knows and the media echoes, that women and childen fantasize, tell lies, are vindictive, their testimony is devalued and diminished. And frequently the victim is the one who ends up on trial—both in court and in the media.

Turning to Dr Braithwaite's paper. I think his view of the media's role in conscience building is a little optimistic. He contends that "societies in which the mass media moralise about rape, where incidents of rape are surrounded with indignation and shame, are societies with a better chance of controlling rape."

I would argue that the tone of moral outrage adopted by the Australian press in relation to sexual assault sits uneasily with their obvious and perverse fascination with such crimes. Newpapers which use women's bodies to sell copy further exploit them by sensationalising and thereby trivialising violence against women. The *Sun* and the *Daily Mirror* are particular culprits in this area, but all the media contribute to the myth of "stranger danger on dark streets at night", which in turn, contributes to a curfew mentality in women and a denial of the danger facing women in the home.

I would like to add something about the way in which shame can or cannot attach to crimes in relation to crimes of domestic violence. One of the biggest problems we find in dealing with domestic violence is that men collude with each other. It is not shameful to them to admit to each other that they bash their wives. It is part of male culture. So that is a problem that we need to address if we wanted to use that tactic to control crime. It seems to be more useful in some areas than others perhaps.

And the nature of media reporting of rape is such that the shame generally attaches to the victim rather than the offender. This arguably has a highly deterrent effect on the reporting of crimes of sexual assault because firstly, victims are not confident they will be believed if the offence does not conform to the media stereotype of "mad masked stranger rapes innocent virgin" and, secondly, they fear that their identities and private lives will be exposed to the general public through the mass media thus increasing their sense of violation.

Because of this concern, over the last year or two the N.S.W. Sexual Assault Committee has made submissions to the Press Council about the offensive and misleading reporting of crimes of sexual violence and has complained to the individual newspapers concerned. We also requested the the Press Council formulate guidelines for the reporting of sexual assaults. These would be intended to assist the newspapers to report crime in a manner that avoids further distress and embarrassment of the victim, while meeting broad public interest considerations regarding the provision of information. Such guidelines, it has been suggested, should cover the following matters:

- the publication of the names and addresses of the victims of sexual assault, without victims' consent; (The Victims of Crime Task Force Report has recommended legislation prohibiting such publication without consent.)[2]
- the juxtaposition of such reports beside sexually titillating material. The Committee believes that the juxtaposition of a "dolly bird" picture with a sexual assault report is neither coincidence nor an isolated instance. Research in Britain has shown this to occur with calculated frequency, and impressionistic evidence indicates that this is the case here.

  We want the juxtaposition of reports of sexual violence with sexual titillating materials stopped. I have examples of that here seeing as how we are doing a "show and tell". This is one that caused complaints: "Stabbed Sex Victim Left to Die" next to Miss Snowbird, and "Girls Breasts Slashed on Terror Train Ride" next to a picture of a half naked

[2] N.S.W. Task Force Services for Victims of Crime, Report and Recommendations, February 1987, p. 155. (Copies of the Report are available from the Attorney-General's Department, telephone (02) 238 8622).

women. In fact, that story also concerned a young man who had been assaulted on the train and kicked in the testicles. We suggested to the newspaper that they could as easily have headlined their report "Boy's Balls Bashed in Terror Train Ride" but that is not the sort of headline that we ever see. Anyway we believe that it is systematic the arrangement of reporting of sexual assualt crimes with that kind of picture.

- the sensationalism and exaggeration of sexual violence and/or injury to women to be controlled;
- the recognition that the public interest relied upon to justify publication must be a legitimate and proper public interest, and not only prurient and morbid curiosity. "of interest to the public", is not synonymous with "in the public interest" (*British Press Council Policy*);
- liaison with court officers as to whether a suppression of evidence order has been made.

The principal that saving a sexual assault victim further distress may outweigh the general public interest in full disclosure of information has already received statutory recognition in the *Crimes (Sexual Assault) Amendment Act, 1981,* which allows sexual assault proceedings to be held in camera.

The Australian Press Council has since disintegrated, but although it declined to issue guidelines, it did uphold the complaints and agreed that "publicity compounds a victim's suffering and may be a deterrent to the reporting of an offence".

Moving on, Tony Vinson's paper is concerned to show that the media hype about child abuse distorts the reality by emphasising physical brutality at the expense of neglect and sexual abuse and presenting the perpetrators as sick rather than placing these crimes against children in a social and political context.

Feminists would share these concerns, but again I would say that the gender dimension of media coverage deserves more comment. One of the features of media reporting of child abuse is the focus on the cruel or neglectful mother, and the relative invisibility of the abusive or neglectful father. This both reflects and reinforces the preoccupation that the welfare agencies have with the mother's behaviour, as demonstrated by Vinson's data. Again women are on trial, while men's crimes in the family go unreported.

Finally, I would like to comment on the claim quoted in Tony Vinson's paper that, "the first people to identify a problem often shape how others will perceive it", and say I wish it were true for popular perceptions of domestic violence and sexual assault. As I pointed out earlier in my remarks, feminists have identified these problems but I think have had only limited success in shaping how others perceive them. And it is in large part the media that frustrates our efforts, preferring to portray crimes against women as exciting aberrations rather than systematic abuses of power.

COMMENTARY

Evan Whitton

Senior Journalist, John Fairfax Ltd

THE PRESS, THE TRADE OR AUTHORITY, LEARNED SOCIETY AND ORGANIZED CRIME

I have been hauled in here at the last moment to say a few words on behalf of the sensational, irresponsible, and gutter press. Not to mention the Great Satan of Broadway, perpetrators of the Fairfax conspiracy.

As usual the press is under heavy attack from various quarters. The attack from the trade of authority we can understand and expect, that from the learned society, as represented here by the science of criminology is more difficult to comprehend. My distinguished colleague Justice Slee has made a detailed response to Dr Wilson's paper (pages 71 to 73). My task is to offer a more generalised defence of the indefensible.

On the vague analogy of *Calwell* v *Penton* you would not expect me to be less than robust and some of my words may appear mildly severe but as the poet said "Be not afraid they are only words".

I will of course immediately admit to any flaw in the press generally and myself in particular. The only defence of the press, however feeble it may seem, is on the balance of advantage as between its virtues and its vices and as between it and the learned society, in both cases, as I believe, overwhelmingly so. Indeed, it sometimes seems sadly to me that the press, with all its faults, is the only thing that has much of an interest in maintaining the integrity of our institutions.

I hope we can at least agree that parliamentary democracy is or should be a fundamental principle of our society. The press has an interest in maintaining that principle. This is not surprising. The press, along with its hero Chief Justice Pratt, invented that principle in 1771. It is necessary to recall, however, that the train of authority referred to here as the "Trade" and defined as the executive government and the governing bureaucracy fought tooth and nail to prevent the invention of that principle and for obvious reasons. In the 18th century modern journalism and the modern Trade began almost simultaneously—in 1689 the controller of the Trade moved from the Crown to a corrupt ruling class, in 1704 Daniel Defoe who also invented the novel, invented modern journalism.

Well the 18th century was a marvellous age of corruption and Parliament, the British Parliament, was a hot-bed of organized crime. The member of Parliament routinely bought his seat and was routinely bribed for his vote. Criminal deals were routinely done in the Commons. Secrecy, of course, is essential to corruption and so the Trade resisted attempts by the press to report parliamentary proceedings with every weapon in its armoury including Newgate prison. It was held to be a breach of privilege punishable by prison sentence to report parliamentary proceedings. The argument, we may be sure, was that responsible statesman would be inhibited in their deliberations if they were to be reported by an irresponsible press. The Trade also sought to tax newspapers

out of existence, to invent endless variations on the libel laws, to intimidate printers and publishers, and that went on for 150 years of resistance to the freedom of the press for the very good reason that the press is inclined to disclose corruption.

What does the history of this struggle tell us? I think it is one that all the good men who went to Newgate imposed the same obligations, not always honoured, on all those in the press who came after and those obligations are to report honestly, to comment fearlessly, and to hold fast to independence.

Second, my guess is that if the press takes its eyes off the Trade for a second it will slide back into that lovely 18th century millieu of corruption and organized crime. The traditional function of the press is thus to inform, to tell the customers what is really going on. Equally it has to entertain and this is where we get into the problem that our friends have talked about. In his history of the press *Dangerous Estate* Lord Francis William says that: "The journalist is traditionally an entertainer. He must entertain or find another trade. The greatest newspaper in the world has no future if it cannot get and hold an audience". So there are many rooms on the mansion of journalism and there are many rooms in any particular mansion. I have worked in most of them. Let us take the case that would seem to prove the rule, an extreme case of Melbourne *Truth*, an organ you probably would not handle without a pair of tongs. In my time there a Fleet Street genius, Sol Chandler, increased the circulation from 200 000 to 400 000 in eight months. Gerald Lyons asked him on television if he wasn't ashamed having done this largely by sex and Sol replied: "I understand it is here to stay". But there was more, even a paper like *Truth* in just satisfying the curiosity of the Melbournians about sex. It was in those days, at any rate, the hope of the hopeless, and many in business were said to tread the "straight and narrow" only from fear of being named in *Truth*, a process of what John Braithwaite would call shaming. There was more to *Truth* even than that. My distinguished colleague Mr Richard Le Strange obliged a Prime Minister, Harold Holt, to set up a Second Royal Commission on the Voyager matter. *Truth* thus had a hand in righting a dreadful wrong organized by Robert Menzies and his tame judge, Sir John Spicer; and as the running dog of Dr Bertrand Weiner in his 18 months campaign about corrupt police the paper had a role in sending three policemen to prison and so encouraging the others. A later inquiry forced by Dr Weiner and the press persuaded the Victorian government to cleanse its police force. As a result, I believe, organized crime in Victoria never got the toehold it secured in this State.

This brings us back to where we started the question of parliamentary democracy, corruption, and organized crime. As defined by Mr N. K. Wran, Q.C., any group of individuals acting outside the law for commercial gain are engaged in organized crime. This wide definition necessarily covers some people in business and those in the criminal millieu. Organized crime or such people, people in business and the criminal millieu, could obviously flourish in a huge way if they could corrupt elements right throughout the Trade.

Now, criminology is said to be the science of crimes, or criminal anthropology, or I think Mr Braithwaite said "sociology of deviance". We may thus take it to be the science of the nature of crime and criminals and we might think, particularly in a place like Sydney that the study of a nexus, if any,

between organized crime and the Trade of Authority would be of compelling interest to the criminologist, but where are the reports of the Task Forces of criminologists and lawyers on the nexus, if any, that classic cases such as *Azzopardi, McKay, Cessna,* and *Enmore* might reveal. The press clearly sins by commission but perhaps more often by omission. There is a view of course in some learned circles that there is no such thing as organized crime and Dr Wilson notes approvingly that that distinguished policeman Sergeant Parrington found contrary to what Justice Woodward found—No evidence of mafia in Griffith.

This view there is in learned circles—that there is no such thing as organized crime and that people such as Mr Robert Godea Bottom rather overdo their entertainment role in asserting that there is. If organized crime does not exist it must of course follow that the Trade of Authority remains hugely uncorrupted and we have thus disposed at one stroke of the twin problems of organized crime and corruption in the Trade. On the other hand, it may be that Mr Bottom is right and he has certainly been at the sharp end of enquiry at some risk to the lives of himself and his family for 16 years. Since 1971 Mr Bottom, and the various organs he worked for or with, have had a hand in obliging reluctant politicians or reluctant elements of the Trade to set up 10 enquiries. There is Moffitt on crime in clubs, Woodward on drug trafficking, Lusher on the police, Street on a magistrate, Cross on certain allegations by Mr R. Bottom, Slattery on the prisoner early release scheme, Senate enquiries on the behaviour of a judge, and Stewart on *The Age* tapes, and Nagel on the *McKay* case. Those enquiries touched in one form or another on corruption and organized crime which suggests there may be a certain amount 'hard data' and 'suitable' "critical analysis" in those areas, and you may think it ill becomes the learned society to patronise a person of such stamina and with a record of such magnitude, and if Mr Bottom happens to be right to say that organized crime does not exist would clearly be a dangerous nonsense. What if the press or a section of the press were to buy that view?

Mr K. R. Murdoch now controls 60 per cent of the Australian press a matter on which the silence of the politicians has been deafening. The Editor in Chief of Mr Murdoch's *Herald and Weekly Times* group, Mr E. Beecher, appears to be leaning towards the criminologists' view. He said this week: "That investigative journalism in Australia was the same old cliché material". Mr Beecher declines to outline specific plans for changing the *Melbourne Herald* but he did say it would offer such things as "politics covered in an exceptional way". I do not know if the *Botany* case tells us anything about the way Mr Murdoch deals with politicians but I can advise Mr Beecher he had better be pretty exceptional when my old master Sol Chandler published a disobliging piece about an old court case involving a newly appointed Prime Minister—Sol was out the door within 4 days. If in fact Mr Murdoch and Mr Beecher were to accept the view that organized crime and any nexus between it and the Trade does not exist I think we could fairly say that champagne corks would be popping in certain quarters throughout the land. This would of course leave the Satan of Broadway (and the Australian Broadcasting Corporation, I suppose) as the hope of the hopless in this area. Indeed I believe there are billions of dollars out there available to silence by purchase the Fairfax Press if only it were for sale, and we can all hope that in terms of the democratic principle which the press invented and defends that the Fairfax Press is never for sale.

DISCUSSION PAPER

John Slee

Sydney Morning Herald
Legal Correspondent

Dr Vinson and Morag Carroll, provide a useful survey of how reports about a particular area of crime can be distorted. Probably few journalists would argue with it. They are conscious of the problems Dr Vinson identifies—the temptation to read reported cases as actual cases, and to emphasise cases of physical abuse, without always giving a complete picture of the range of behaviour encompassed by the term "child abuse".

And, of course, Dr Vinson frankly acknowledge how much of what appears in the media is there because it reports or relies on what experts in the field are saying. To the extent that distortion is the result of that, the experts share responsibility.

Dr Wilson's paper is another matter. The argument journalists often put that they only mirror events is, of course, nonsense; the editorial process occurs at all stages from the individual journalist's notebook to the printed page. But journalism, like may other crafts, is a discipline, and journalists are not only conscious of the need for balance and fairness but are by training inclined to make that the benchmark of their craft. Some hold to the standards of their craft better than others. But there is not doubt as to what the standards are, and one of the central ones is a commitment to fairness and balance.

Yet Dr Wilson appears to believe journalists have motives quite at odds with this. He writes of the media:

> . . . engaging in systematic practices which distort both the nature and relevance of crime and criminal justice matters generally and, more specifically, affect the chances of an accused person receiving a fair trial. (page 13)

By "systematic practices" does he wish to imply that the media deliberately aims to distort, and that it is reckless as to the damage this might do to an accused person's chance of a fair trial? It is hard to see what else his words might mean.

No journalist would deny that some of the time, some parts of the media are prone to amplification and exaggeration and supply incomplete information in presenting material relating to crime. Dr Vinson's survey is a good example. But to leap, as Dr Wilson does, from the individual and exceptional cases to generalised condemnation of the media and the media alone is to fall into the same error of which he accuses others.

On the important question of publication of material prejudicial to an accused the general approach of the media is very consciously to exercise care and avoid prejudice. But in discussing this question, Dr Wilson seizes on an exeptional case, that of Derryn Hinch. From that case and that alone, it seems Dr Wilson then leaps from one generalisation to another:

> . . . at least some of the media believe that their job is to report the news regardless of the effects it may have on the due process or the way the public perceives individuals or minority groups . . . In effect this process is the functional equivalent of the police summarily executing or at least planting evidence on suspects they believe are guilty of alleged crimes. (page 15)

This approach engenders false assumptions. One is that the media imposes, for reasons of sensationalism, systematic distortion, regardless of the affects on the fair trial of an accused. Dr Wilson refers to specific examples of sensational reporting. He treats in greatest detail the Anita Cobby, Chamberlain and Ananda Marga cases. All that can be said about the Chamberlain and Ananda Marga cases is that no matter what the result of Justice Morling's inquiry in the former and despite all inquiries into the latter, a confident view on how prejudicial the media coverage of these cases was is not possible. Despite the quotation from the Ananda Marga juror it is not possible to know whether and to what extent juries who are aware of prejudicial material are in fact swayed by it and how much they deliberately compensate for it in their verdicts.

The Cobby case is different from the others. Dr Wilson refers to "the publication of one of the accused person's criminal record" and sub-headings such as "Hang Them Cries Crowd". Both are examples of material which he says would make it difficult for a jury to judge the case solely on the basis of legally admissible evidence. That may be so. But the Cobby case and similarly sensational murder cases are exceptional. They raise other questions. When crowds such as those that gathered outside the Cobby inquest manifest themselves, should the media suppress all reference to them? The responsibility to maintain the accused's right to a fair trial is never deliberately disregarded by the media, even in sensational cases. But the media cannot ignore, any more than State Premiers can, the manifestations of public grief and anger that accompany such cases. The media should not feed the anger, but it cannot ignore it.

The Cobby case prompts another reflection. It is difficult to imagine a society without modern mass media. But history suggests that if the media did not exist, something else would serve to quench the same thirst for information which is the media's essential reason for existing. It would be gossip and rumour, the idle talk of the market place. Keeping the stream of criminal justice pure is the ideal, always to be aimed at. But without the media, which is not only a mirror but also a safety valve, it is not hard to imagine the substitution of something far worse.

Another assumption Dr Wilson appears to make, closely related to the first that the media systematically disregards the rights of accused, is that what is published has no life other that that breathed into it by the editorial processes of the media. Dr Vinson recognises the responsibility of social scientists for some at least of the distortions that appeared in the media in relation to the

question of child abuse. Dr Braithwaite recognises the extent to which even the most extreme distortions that appear in the media mirror prevailing social attitudes. That might not excuse the media, but at least it acknowledges that the media is reflecting rather than imposing.

Dr Wilson makes a suggestion for improving journalists' work:

> "They can be helped . . . by criminological input in terms of solid research material, good writing and assertive pressure for fair coverage." (page 20)

Now, whatever their other failings, journalists are not poor listeners. Give them an idea and they will run with it. If there is "criminological input" that really is based on "solid research", and is really written clearly, so that its solidity can be measured, it will not take much pushing to have it find its way into print.

Why Dr Wilson should doubt this is already happening is not clear. He says the media, apart from its commercial function, has "a *de facto* function of purveying the social order and moral agenda of complex societies" (page 13). But he will not see it standing neutral. It always imposes. It does not reflect society generally. It reflects the "authoritative, dominant opinions of the 'leaders' in the community". (page 21)

Now, if that means diverse opinions are not reflected in the media it is obviously a proposition that is either untrue or misleading. If Dr Wilson means that a section of the media, say the main metropolitan daily newspapers, reflect certain opinions, that is surely only another way of saying that in the process of public debate, in which the media is a significant vehicle, certain opinions achieve wider public acceptance than others.

Can it be that Dr Wilson has got the wrong target? It seems it is not the media he dislikes so much as the opinion leaders whose utterances the media, doing its duty according to the best traditions of fairness and openness, duly report. If so, it is just another elaborate exercise in killing the messenger.

DISCUSSION PAPER

THREE AREAS FOR DISCUSSION

John Parnell LL.M, Magistrate.

There is no gainsaying that media agencies influence public attitudes to crime—the only issue is quantum.

Three areas appeal for discussion.

1. Publications which by distortion or dramatisation or contemporaniety are perceived to directly influence jury decisions against the evidence.

   The charge to the jury is to "men and women of the world who didn't leave their commonsense behind when they came here".

   One cannot suppose that the impact of mere words on a mirror of society in discussion will be the same as individual lawyers in the seclusion of chambers. Without supporting research, lawyers have the justification for such view.

   It must be assumed (a) that the jury will honour its oath and in the process obey any reminders to ignore pre-court publicity, and (b) that no adverse situation is incapable of correction by proper directions. To proceed otherwise would be a complete negation of the jury system.

   Publication of matters of public interest is the public entitlement in a democratic society. Incitors and corruptors are still subject to contempt and the general law.

2. Ours is a society of Parliamentary supremacy and; notwithstanding limited court recognised privileges, without entrenched constitutional rights (V13. Freedom of the Press) or "class actions". Our society is furthermore subject to restrictive defamation laws[1] and the provisions of the Commonwealth *Crimes Act* as to official confidentiality[2]. It remains a secret society.[3]

   Whereas crimes high in a Wolfgang—Sellin Scale are comprehensively publicised, equally serious crimes against national security and of official corruption often escape the full glare of publicity. An uninformed public may be incapable of forming any attitudes.

3. One arena the media agencies are free to enter is that of criminal procedure and neglect here is inexcusable. Generally speaking the public knows little of the extent and ramifications of procedural laws, many of which are seen to run counter to popular notions of common sense.

   The media has, I suggest, an obligation to fully inform the public on all aspects of controversial areas;

   (a) the privilege and benefits of silence;

   (b) unsworn statements not subject to cross examination; and

   (c) the jury system generally.

The list is extensive and many might feel that the media is not lending enough support to the war on crime.

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[1] *Sydney Morning Herald*, 8th April, 1987 (Letter to the Editor from A. M. Healey).
[2] Part VII "Espionage and official secrets."
[3] David Winder, "For your eyes only: British Secrecy up close" *Christian Science Monitor* 15th–21st December, 1986, p. 1.

A NOTE ON MEDIA "DISTORTION" OF CRIME AND DEVIANCE

Janet Chan M.A., M.Sc. (Toronto)

Law School, University of Sydney.

I have been asked to make a few comments on the papers presented at this seminar, in the light of the research my colleagues Richard Ericson, Pat Baranek and I undertook in Toronto, Canada. For those who are interested the results of this major research project on deviance and the news media are being published in three volumes, the first of which will be available in July this year, from the University of Toronto Press and the Open University Press in Britain. The book carries the title *Visualizing Deviance: A Study of News Organization.*

Without assuming a close similarity between the Canadian and the Australian media, I'd like to address some of the issues raised by the three papers by making a series of comments which may or may not be true in the Australian context. I'll let you examine these comments more closely and decide whether they are useful for understanding these issues.

I would like to direct my comments mostly at the question of *distortions* by the media. There's no doubt that certain images of crime and deviance are created by media messages. Dr Wilson's paper charges that these images are exaggerated, selective, and, above all, not based on reality. Dr Braithwaite's paper details the "stages" of deviance construction and amplification which are common in periods of moral panic. Dr Wilson concludes that such distortions are unfair to accused persons in criminal trials, while Dr Braithwaite recognizes the media's potentially positive function in social control. It was Professor Vinson's paper, however, which demonstrates, in one particular type of crime, *how* such distortions are possible. Changes in definition of the child abuse problem, in reporting criteria, in staff resources, in procedures, in statistical accounting, and so on, have modified the size and shape of the problem, from physical abuse to general concerns including neglect and even poverty. Professor Vinson's paper describes the role of the media in perpetrating misleading images of the problem created by the statistical trends. But why? Why are the media so uncritical in their acceptance of a certain view of the problem? Why do they seem incapable of getting things "right"? How can a profession like journalism tolerate such inaccuracies and distortions? These are some of the questions I'd like to address.

Our research suggests that the problems of "distortion" are not primarily problems of deviant journalistic practices, but must be seen as an integral part of routine media work.

Media Discourse

It is important, first of all, to recognize that media discourse is different from, and cannot be made identical to, either legal discourse or scientific discourse. In other words, one cannot expect journalists to write about the law in the manner of a lawyer, or to write about crime the way a social scientist would, at least not in the context of news stories. In that sense, matters relating to law and crime will always be *literally* taken out of context when they appear in the media. As part of the popular culture, the media specialize in

unequivocal, brief, and simple messages—they are incapable of speaking to issues which are complex, arguments which are qualified, or evidence which is equivocal. Journalists are constantly engaged in the process of selection, simplification, translation, and dramatization of social events and issues. Complex issues are therefore routinely decontextualized, personified, and in the end trivialized. For example, the important issue of sentencing policy in N.S.W. was dramatized as a sparring contest between the Attorney General and the Chief Justice. In this way, the language of news severely limits the way issues relating to crime, criminal justice processes and policies can be discussed.

Journalistic Methodology

A second major consideration is the methodology of news production, i.e., the way stories are assigned, researched, put together and edited. The nature of reporting means that journalists rarely observe news events first-hand, but have to rely on others' accounts of reality. For example, our research shows that media "distortion" of criminal trials may be inevitable because of the way court cases are covered. First of all, reporters—even regular court reporters—often lacked expert knowledge about the law. For various reasons tied to the constraints of time and resources, they rarely sat through a case continuously and had to rely on prosecutors or other journalists to fill the gaps in their knowledge. Some media outlets which could not afford to assign a regular reporter to cover a case would often "parachute" a general assignment reporter in at certain "crucial points", such as the conclusion of a jury trial. Unwilling or unable to grasp the complexity of evidentiary matters and legal arguments, many reporters would focus on the personalities of the lawyers or the accused, or any dramatic or human-interest elements of the case. Stories on criminal trials are consequently often superficial, decontextualized and sensationalized.

Reliance on Sources

The third significant aspect of media work has to do with the journalists' reliance on sources, usually in the form of a spokesperson, a person of power or authority, or a person with specialized knowledge. In our extended observation of journalists at work, they rarely bothered to carry out any independent investigation or research. Most research efforts went no further than looking over old news clippings. The preferred methodology was to have a person present an account of what happened, why, and so on. Sources were disproportionately drawn from people of authority and status, those high in the "hierarchy of credibility". Crime news reporters, for example, are heavily dependent on police sources for information. In recent years, governments and private corporations are becoming increasingly sophisticated in shaping and predigesting information to facilitate and manipulate media coverage. In Canada, it's been said that the journalists are becoming younger and less experienced, while older, more experienced journalists are turning PR specialists or media consultants for government and private organizations. Sources have learnt to "tailor" their information to fit in with the news discourse, so that they are more assured of access to the media. This suggests that journalistic accounts may be "distorted" in ways beyond the control of the journalists themselves. Sources we interviewed readily admitted that often they were part of the reasons why news accounts were biased.

Remedies for Unfair Coverage

The media are enormously influential in our society. Some would even argue that they are the most powerful institution in our society. Media stories set the agenda, define the parameters and enact daily the social drama of the world. Much of this drama is moral: it has to do with defining conflicts, deviance, injustices, inefficiencies, etc in the social and political systems we live with. Media stories are not meant to be a mirror of reality, but a mirror of images. Journalists engage in selection, every minute newsworthiness, public interest, drama, human interest, fairness, legality, and so on. People who have regular contacts with the media understand this and devise strategies to gain access to the media to enhance their personal or organisational interests. Beyond these strategies, however, there appear to be little anyone can do to rectify an unfair coverage. Sources interviewed in our study did not see any satisfactory way of setting the record straight. Remedial actions such as requesting a retraction often meant additional adverse publicity. Many concluded that silence and prevention were the best strategies. Regulating bodies such as press councils were seen to be ineffective in repairing the damage, but effective in cooling out complainants and legitimating the media organisations. The threat of law suit was seen as more effective than the actual legal action, which could prove expensive, cause further damage by sustained publicity, and create difficulties in future relations with journalists.

I'm not sufficiently familiar with the Australian situation to assess the merit of strengthening contempt laws to deal with unfair pretrial publicity, but as a criminologist, I can only suggest that society has never managed to eliminate deviance by asking for more laws and more enforcement. This does not mean that we shouldn't criticise the media. What is advocated here is the need for a better critique, one that doesn't fall into the trap of superficiality, oversimplification, exaggeration, and distortion some accused the media of falling into.

DISCUSSION

Jan Aitken, Welfare Administrator

I would like to comment on the material presented so far about the educative role of the press. I see the press, the editorial side at any rate, still to be fairly male dominated, and I think that is important in terms of editors instructing their journalists to take certain lines on an enquiry, to investigate certain aspects and so on. I think that where this is particularly obvious is with respect to domestic violence and the child abuse area, where I think we are all very much aware that the perpetrators are probably about 90 per cent male. I do not think there is going to be much argument about that. It seems to me that there are a few questions that are never asked by journalists and there seems to be no direction given by editors to what are really obvious questions.

For instance, what men's groups are asked to comment on what has happened? How often, in the case of some horrendous murder or horrendous act against a child, does anyone go out and say to the President of the R.S.L., for example, or to the South Sydney Juniors or to the pub and get the *vox populi* about "What do you think about this?" "What do you fellows think about this woman who got beaten up by this mob of men?" and so on? The other point, at a more academic level, is how often do you get a cost benefit analysis of the way we manage domestic violence, the way we manage children at risk and so on?

One of the really obvious things to me is about the education of men. I have raised this numbers of times and it is always met with deafening silence, which I find very interesting. But, if we were dealing with a social problem such as drug abuse, for example, we get into the education of people, life education for children and such like, but where we are talking about the male perpetrators how often do we get educational campaigns being handed out for men? How much is run at the local football club, the R.S.L. etc., and other obvious venues? If you look in cost benefit terms we do not really do very much that is sensible in dealing with child abuse and domestic violence. I would like some comment on that.

Evan Whitton

Editors, or at least the ones I know, do not tell you what to find. In practice what happens when you actually go out and start scratching around the story develops in all kinds of different directions. You should not go into a story with the preconceived idea of following a particular line—it oftens builds in ways that you do not expect it to.

Ian Freckelton, Manager of the Police Complaints Authority, Victoria.

I would be interested to hear the views of the panel on the relationship between the information given by the police to the media and the treatment that is then accorded to that information by the media.

In recent years we have seen the development in Australia of a range of media units in police forces to which a good number of resources are given and in which many people are involved, and those media units generally purvey a set attitude toward law and order—the need for greater powers on the part of the police and more resources and so on. But at the same time they involve a whole view of the world and of crime and criminology. I would be interested to hear the views of the panel on the relationship between those attitudes and media treatment of important social issues.

Dr Paul Wilson

One of the things that we have noticed in the study that Peter Grabosky and I have been doing is again the diversity in terms of how sections of the media deal with police media relations units and with the police generally. There are no rules here. How Evan Whitton might deal with a crime story or with a police unit might be very different from somebody else. What I think does concern me is that while I am sure Mr Whitton will go to other sources to get information about a particular crime there are many journalists who admitted to us that they just get information from the police press liaison unit. I am talking now specifically about Victoria. I think in the same context I would have to make the comment that it is very worrying to go into newsrooms and see police scanners, The reporters all whisper to you "We are not allowed to have these. Don't tell anyone" but they all have them, and they are all openly tuning into police radios, and they have all got their police contacts. This is fine, I am not arguing against it. But that is often the end of the story. They never check with other sources, they never go outside the system. Of course, this is not so for everyone in the media and there are clearly many exceptions. I certainly agree with Mr Whitton that the Fairfax Press is one of those organisations which does try to keep their independence, but I find it very worrying that so much information about crime and police matters comes from either police press liaison units or, alternatively, purely from police sources themselves. That is the way in which crime is manufactured, that is the way in which crime is managed.

Kathy Boehringer, Tutor, Sydney University Law School.

I have done a great deal of media research and I have written a book called *Programmed Politics* which examined the representation of politics in the 1980 Federal election. A colleague of mine, Philip Bell, has done an analysis of drug stories in New South Wales as reported in the press over a whole year and his analysis is that you do not find very much in the way of the individualizing, punitive, titillating, exciting representations of drug deviance on setting up organized crime as the perpetrators generating problems for society. Rather, he found media representations of a surveillance society, in which a great "puff" was given to the institutions which were engaged healing the victims. The media did not stigmatize the victims, but were self congratulatory about the capacity of State institutions to "help". A lot of the stories were reassuring, so that most of the emphasis was not so much on that sensationalist, trivializing and

decontextualizing representation of deviance, but rather on talking about society as a whole, one which we should be thankful that the welfare State would fix up. What was needed, of course, was more money. There were problems but the welfare State and its surveillance mode was emphasized. On our analysis, it appears that in addition to representations which stigmatize the enemy, the major emphasis is on the welfare State and all of its protective agencies which will heal the wounds and put us all back in position. Humpty Dumpty can go back on the wall.

Now, I think that that kind of positive image that the press, perhaps unwittingly, does put forward of a welfare State also has its very negative aspects as Mr Whitton himself would suggest. It is a very complex picture that you are looking at and it seems to me that it is all too easy to hound the press, to, in fact, label the press. One can label the press and stigmatize it; then the problem is: how will we reintegrate it on a positive basis? If we want to cling at all to any of those traditions about the free press that Evan Whitton talks about, we would not want to move to a regime where various interest groups would, in the name of the "public", constitute a media regulatory agency to control media output so that the public will get the correct angle on the sexual abuse issue, domestic violence, child abuse, organized crime, or whatever. There is a real danger that if we want to regulate the media, *quis custodiat*? Who will regulate the regulators, as it seems most likely that such an agency would replicate the unrepresentativeness which dogs such worthy and respectable agencies now and thus gradually lose legitimacy.

How are we going to reintegrate the media after we have shamed them and exposed all their errors of commission and of omission? One reason why we are driven to hound the press is that almost all of our public information and our public discourse resides there. Unlike the situation in previous eras, there are no alternative indigenous sources or spaces where a view upon public matters can be generated. (For instance, this seminar is a very rarefied occurrence, which takes place in an academic setting.) There isn't any way, within the existing institutional organization of Australian society, or any mass society, that institutions involved in social or commercial activities must systematically take up wide-ranging, general issues and to act publicly concerning them. Our concern about the inability of mass society as it is presently institutionalized to generate values and mores makes us desperately worried about the distortions that the mass media do circularize and condense.

Dr John Braithwaite

One quick suggestion for one route to go on the problem of "reintegrating the media", as you describe it. It is a participatory democratic model of media regulation rather than relying on some sort of monolithic State bureaucratic model of regulation. You have a participatory model of regulation where, for example, feminist groups have access. It could be in the form of formal representation on some sort of media council, it could be in the form of standing before public hearings such as you do have with the Australian Broadcasting Tribunal or with Appeals of Trade Practices Commission decisions regarding media self-regulation.

To open up the process to genuine access of those critiques from outside and critical constituencies is a possible path to go, so that at the end of the day there might be a sort of a social contract between the media and say, the Council for Civil Liberties, of the right of reply when certain things happen. It seems to me that that is one possibility.

Chairman

I think I should say our topic is not the freedom of the press. That is a topic in itself, and one which all of us here would warmly endorse as a concept. We are really looking at the media effects on attitudes to crime and I would just urge our speakers to seek to confine discussion to that specific topic.

Professor Tony Vinson

On a couple of occasions so far the various papers have been characterized as being totally critical of the role played by the media. I would like to take another opportunity to say something about the representation of child abuse in New South Wales.

Some time ago I learned what I thought was a fairly basic lesson in life, namely, that every big city has its mugs' newspapers. I distinguish between the junk that is presented as news in this city and the more serious newspapers, a category in which I certainly include *The Sydney Morning Herald.*

In my paper I have tried to show that rather than blaming newspapers for inaccuracies and distortions in the presentation of the picture of child abuse in New South Wales since 1977, the media, as it's name implies, has mediated. It had been a conduit between definers of the problem, and the general public. The definers were professionals, people employed in the government service, who established and continually re-shaped the concept of child abuse until by the end of the decade there was only a slight resemblance between the point at which we had arrived and what abuse was supposed to be about at the beginning.

It would be quite wrong to say that the media should bear the entire responsibility for the distortions that ensued. They emanated from people who for political or professional reasons, were riding a band-wagon. I wish my position on this to be clearly understood.

The other thing I wish to say following three glorious months at the Ministry of Justice in Holland, is that it is possible for the reporting of criminological matters to be far more precise, far more critical, than it is even in the best of our newspapers. Instead of stories being written overnight journalists critically examine reports and statements issued by the authorities, interview the authors of the statements and generally conduct their own investigation. It was more often the rule than the exception for articles to appear some weeks after the journalists had made their own critical appraisal of the material presented to them. Now that was a bit like "heaven on earth" to someone who has worked in Corrective Services. At least I now know that in a couple of places in this world you can observe a high degree of professionalism in matters like those we are considering at this seminar.

Dr Paul Wilson

I would like actually to use the opportunity of the question just to raise some issues that Mr Whitton raised which I think are important.

First of all I would like to stress that I do not feel that I am putting an anti-press position. I am always amazed during discussions of this sort where press members are present that there is considerable sensitivity to any criticism on their part. I sense that (and perhaps I am wrong with Mr Whitton) that in Mr Slee's comments there was the view that if you are not for them you are against them. One could point out that what I might say here will have, I suspect, little effect. What Mr Whitton or Mr Slee might say about me in their newspaper will go to thousands and will have considerable effect. I think that the press should be big enough to stand up to criticism, and I have not seen that "bigness" in Australia.

Let me just very briefly talk about the specific area that he refered to which is organized crime. I certainly do not want to do an analysis of organized crime, but I have to point out that a lot of academics have said a lot about organized crime. David Brown, at the University of New South Wales, Grant Wardlaw of the Institute of Criminology at a seminar held by the Institute here last year, Richard Hall, a journalist, has written a book about disorganized crime, and in a small way I myself have said a lot about organized crime.

Little of these views are published and I suspect that it is not published because we do not subscribe to the view that Evan Whitton and Bob Bottom subscribe to. The academic view I think is different in a variety of ways. Perhaps that points out the different roles of academics and journalists. In a review in *The Sydney Morning Herald** I praised Bob Bottom for pointing the finger on people who had committed particular sorts of crimes but I criticised him for not being able to distinguish organized crime from conspiracies, from sophisticated crime, from corruption, and all of these are issues which I think are very important in terms of just defining what organized crime is. I suppose what I am asking Mr Whitton is this: is it that we as academics say things that you do not like or is it that you believe we should be doing things that you yourself do, which is investigating specific cases?

Evan Whitton

Well, I say two things. One is answer to Dr Wilson's question:

"Is he not getting published in the press because we do not like his particular line"? That would not be so at all. I tend to agree with Auberon Waugh when he says that "it does not really matter much what a person's opinions are so long as they are clearly stated, intelligently expressed, and not offensively commonplace". Now, as far as I am concerned I would not expect anything more than conceited zero on any of those three, but at the same time I am not sure really how many marks out of three you could give on those criteria the sort or material an academic would want to get into the press. I have said that if you cannot entertain, you have to find another trade.

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* Sydney Morning Herald, February 14 1987, 'The Bottom line is more police' review of *Connections II* by Bob Bottom

The great thing about journalism is that anybody can play. No qualifications of any kind are required except the material has got to be clear. The hallmark of the intellectual is supposed to be clarity. The perfect style of writing as the great founder of journalism, Daniel Defoe said, is to so write that any five hundred people of all sorts and conditions excepting the lunatics could instantly divine what you are saying. It is a matter of style, it is not because we do not like Dr Wilson.

Dr Paul Wilson

I am not personalising the point I made. I am talking about other views, not my own.

Evan Whitton

What I would ask the others to do is to consider if there is some way that they could make the material interesting to the common reader. The press is open to all kinds of ideas, the press lives on ideas, the more the better, there are not enough to go around, the press would love to have more ideas thrown at them, but they have to be done in such a way that they can be comprehended, and so there is not any of that kind of bias I would hope. I would hope that any newspaper would "let a thousand flowers bloom". It is not because we do not like *the line*. I think it is important to get the sorts of view of criminologists that are different and are important into the public domain but you cannot do that if you cannot write clear English.

I agree absolutely with Professor Vinson in his remark about the journalists in the Netherlands who sat down afterwards and considered carefully something that was quite important. This was brought home to me particularly last year when I was stringing together a few jokes for a book about corruption in this town. What I understood suddenly was that a great omission and a great failing in the press is that important reports come out, as Professor Vinson mentioned, and what the press does with them is to have a huge splash, print yards of copy, probably unread and then forget about it. I realized to my shame that I had not read half the reports that are about.

In answer to Dr Wilson's question, is there something the press would like criminologists to do. I would certainly say that Professor Fisse would do us in the trade of journalism a great favour if he would set his criminologists or Dr Wilson set his criminologists to doing a narrative analysis of such Reports as the *Woodward Report*. There is amazing stuff in there. When you turn to these Reports you are staggered by the amount of data that is in there, and I suggest to criminologists that they would do the reptiles of the press a huge favour if they would dissect in a narrative way the material that is available in all kinds of reports. There are people sleeping sound in their beds tonight secure in the knowledge that nobody has ever read an important report like the *van Doussa Report*. That would be an immensely useful thing to reporters and I offer it to you entirely without charge.

Dr Paul Wilson

Thank you. I accept the challenge as an academic and I would like to inform you that we are in fact doing what you are suggesting and have been for some time. You might not agree with the result of our analysis. That will be a few months down the track. But I will make sure that you get a copy of it.

Beverley Schurr, Council of Civil Liberties.

When I was considering the topic tonight about media effects on attitudes to crime I was thinking mainly of the criminal law process, when the whole apparatus of the law enforcement bureaucracy is turned on an individual. When that happens in this State and elsewhere often you get one sided reporting. In New South Wales we get arrest by press release, where the police have arranged by press release for several competing TV teams to be outside an accused person's home in order to televise the arrest, and televise the face or the faces of the accused. Further on, in other cases where a person has escaped from prison, there have been sensational reports as to the violence and the threat of the person who has escaped. In all these stories where someone's rights may be in jeopardy in a criminal trial the press are relying obviously on the police press releases.

The press may then say; "Well we would like to present a balanced point of view, but the accused will not give us an interview." At this stage obviously the accused person's rights are to stand trial. They may decide not to give an interview. It may not only be because they are afraid of being misreported but also because they are not sure of the extent of the allegations against them.

So the press should perhaps consider that it should await the trial of the issue and the presentation of all of the evidence before it starts stigmatising people as accused persons and broadcasting their faces on the television screens.

They might also consider what is the purpose of some of these police public relations exercises. I am thinking particularly of the time at the end of 1985 when there were two spectacular and well reported arrests made by the National Crime Authority—one in England, and one here in Sydney. Those arrests were made at the same time that the National Crime Authority was making submissions to Cabinet to increase its power, not just in relation to telephone tapping but also in relation to introducing its very own domestic version of the "D" Notice. They wanted to have the powers to censor the press if there was going to be any criticism of the workings of the National Crime Authority. Fortunately for the press and for all of us that submission was not successful, but the National Crime Authority continues to refer to it in its Annual Reports. So when the press agrees and goes along with the police public relations exercises of well publicised arrests, I think they should also consider the fact that if they are assisting the diminution of the rights of certain individuals in society that the diminution of those rights of an accused person could also flow over to their own role in society, and that they could be next on the hit list of the law enforcement authorities.

Alex Heron Executive Officer, NSW Domestic Violence Committee.

I do not think the freedom of the press issue can be separated from the biased representation of various groups in society in the media, which at the present time is what crime reporting is effectively about. I think that is as true of class issues probably as gender issues. For example, the problems of the representation of women as sex objects on the one hand and the differing sorts of victims on the other, which was analysed by Jenny Earle, cannot be addressed effectively firstly, unless that issue is actually recognised and discussed, and secondly, the democratic control of the media is attempted in some way like that Dr Braithwaite mentioned. I would be interested in the panel's view of both those statements particularly the first which I do not feel that the other members of the panel have really addressed.

Jenny Earle

My view has already been stated on that so I presume you are asking the other members of the panel to comment.

Dr John Braithwaite

Affirmative action within the media industry is surely one thing to argue for within a participatory media regulation process. I think it is important to pen up the regulatory process. of course, that is a matter for a political struggle and in political struggles powerless groups are less likely to come out on top. Yet those powerless groups have to have a view on what it is they want to struggle for, and what I was proposing is that what they ought to struggle for is a participatory democratic media regulatory process that gives them acess and gives them the opportunity to begin to negotiate opportunities with the press—to get their critique of the press in print as well.

Chairman

I will not pass the question to the others because I am not altogether sure that that question relates to media effects on *attitudes* to crime. I would hope that we take the freedom of press for granted. The debate is rather the effect that that free press has on attitudes to crime.

Elizabeth Kirkby, M.L.C.

I am a Member of the New South Wales Legislative Council and to follow on what has just been said. I do not think that participation in regulatory bodies is going to do anything at all. Nothing is going to change attitudes and to put the victim's point of view, because the majority of victims are women, until there are more women employed as journalists, particularly in senior positions as Managing Editors. You will never get a story from a man that will reflect what is happening to women in society because it is impossible for them to comprehend it. It is far simpler than saying that we should be able to participate in a regulatory body which I find an insulting suggestion. I do hope that some of the senior journalists present will take note and possibly employ more women journalists.

Dr John Braithwaite

Maybe in participating in such a consultative process you might begin to negotiate for the kind of affirmative action within the media industry to achieve your ends. I wonder how otherwise you are going to move in that direction.

Bron McKillop, Senior Lecturer, Sydney University Law School.

This is following on something that was said by Bev Schurr to do with prejudicial publications and how we might be able to control them. It is quite apparent to anybody who looks at the media and reads the papers that a great deal of prejudicial material is published regularly, especially at the time of arrest of accused persons. Pictures are very often shown, particularly on television, and information about the defendant is freely disseminated. Police press releases have now become quite popular whereby often the police delineate the evidence that they have against an accused person or somebody who becomes accused, including indications that there has been a confession. Now that seems to me to be quite clearly prejudicial if one is concerned with fair trials of those accused. Action is very rarely taken, it seems, in relation to those publications. Occasionally there might be some complaint by representatives of the accused about publicity by high profile people like Willesee and Derryn Hinch and there may be action taken, perhaps because of the very wide dissemination of their material. But it seems that if we are serious about trying to control prejudicial publications, and this is all on the assumption that they should be controlled in the interests of a fair trial, then something more might have to be done. There is, I would think, some scope for considering some kind of regulatory body (with all respects to the last speaker) which might at least be able to monitor the media and launch prosecutions which were necessary, but also more particularly to render some sort of vetting and advisory services to the media who are concerned about whether they are transgressing the law and perhaps even some system of clearances that we have in other kinds of regulatory bodies. Hopefully if there were such a body the media could be represented on it as well as the Executive and possibly also judges who after all are directly concerned in controlling matters that come before them.

Andrea Palmer, Women's Co-Ordination Unit.

It seems to me that a lot of attention has been focused on the media effect on criminal proceedings and how that might be prejudiced. Other speakers have spoken about the collusions between men in a patriarchal society to present crime in a particular way that is quite divergent from what we know to be the reality of crime and the effect of that on the community's attitudes towards crime. The issue to me does not seem to be so much how do we shame the media, but how should the media shame men since that seems to be the basis of crime.

Professor Michael Chesterman, Australian Law Reform Commission.

Paul Wilson mentioned the work that has been done on contempt by the New South Wales Commission. I should just mention, to complete the record, that coincidentally the Australian Commission has been working for a long period on this issue. Surprisingly, given that we are a Federal agency and they are a State agency, we have actually worked in harmony and co-operation and the Reports will be out shortly from both Commissions.

Following on from what Janet Chan has said, it has certainly been our impression in interviewing a wide range of working journalists in Australia that the reporting of court proceedings is very piecemeal, is very selective, is far too dependent on such things as brief conversations with counsel, prosecutors, police and the like. In the light of that, and given that reporters might be helped if they had more access to modern technology, it does seem to me to be a pity that a Report made some 2 or 3 years ago by the New South Wales Commission, suggesting that reporters should be allowed to take tape recorders into court to record proceedings for the purpose of their work, has not in fact been acted on and seems to have died "the death"..

Dr Paul Wilson

Very briefly, I tried to put the position that states that, contrary to what large sections if not all of the press believe, prejudicial reporting does affect juries and can affect the civil rights of persons. I have given examples and cases of that and I would argue that those are not exceptional cases.

There has been much talk about the victims movement here. I wrote a book called *The Other Side of Rape** many years ago which put the position that some speakers have put at this seminar, but at the same time I would not want to minimise what seems increasingly to be a commodity not valued, and that is the civil right of persons who are charged with offences. I believe that is an important issue. I believe the press can have an effect on civil rights, and we have to look very seriously at issues of contempt. The Australian Law Reform Commission and the New South Wales Law Reform Commission are attempting to do that. It is an issue which I think is very important.

Finally, I would like to again stress that I believe that the press often overreact to criticisms of their profession. They are often very good at criticising other organisations and other individuals, but (and this is not necessarily confined to Mr Whitton) I think the press generally are often oversensitive to criticisms of themselves.

Professor Tony Vinson

A brief comment on the media effects on attitudes to crime. The picture I have tried to present based on fairly detailed consideration of one sphere of criminality is that there is an interaction between the shapers and definers of concepts that command social attention and the media. I have argued that it is a rather pointless exercise to attribute all blame for inaccuracies in the public understanding of social issues and problems to the media.

From that I would just like to comment quickly on the critism that there has been an inadequate representation of, and response to women's perspectives on the matters that we have been considering.

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* Wilson, Paul R. (1978), *The Other Side of Rape,* University of Queensland Press, St Lucia, 1978.

Personally, I should have thought one of the most important things that has happened in the last 10 or 15 years in the public life of New South Wales has been that women, through their own political agencies, have helped to shape the definition of social issues and social problems.

I think Jenny Earle was wrong, in fact, when she said that it was only a year or so ago that we had our first real accounts of the contexts of homicide: our first realisation that the house, the bedroom, and so on, are dangerous places. I happen to know that that data was presented in 1972, via the Bureau of Crime Statistics and Research.* The important difference between 1972 and the mid eighties is that in the latter period there were people ready and able to interpret the full social meaning of the homicide data. I think to the extent that that is now happening we are on the right track.

Jenny Earle

First of all I do not think I said that Alison Wallace was the first to do research on homicide. My point was that there is that research, and the media does not reflect a knowledge or understanding of this research in its commentary on crime, and in particular on the crime of homicide, and that the only report we got that did reflect that knowledge was the day after that research was published in *The Sydney Morning Herald.*

I think this seminar has provided a very useful exhange. It has been made pretty clear that the media is run largely by men and that this profoundly affects the representations of crime and criminality that are purveyed in the various organs of the media. Evan Whitton was quite explicit about the fact that sex is used to sell newspapers, and that is not any old sex—it is in particular women's sex. We do not see naked men used to sell newspapers, or sexual assaults on men on the whole used to sell newspapers.

Evan Whitton

I would just like to say two things to sum up. First of all, that I do not feel at all sensitive. I am in the fortunate position of having assisted the great Dr Weiner in putting a few crooked wallopers behind bars. Dr Wilson, of course, was at one time the world's leading authority on that remarkable institution, the Queensland Police Force—a force which on good judgement begins where the New South Wales Police Force would leave off. I am not sure that if Dr Wilson's writings have put any of those good policemen behind bars and so I do not feel at all sensitive on that subject.

Over the last 15 years the press has had a very significant input into (the popular word that I have only discovered at this seminar) "shaming" the Trade of Authority into engaging in some sort of reform of the institutions of the State. I think that is very important and I do not feel sensitive about that either.

* N.S.W. Bureau of Crime Statistics and Research, Report No. 9 *Gun and Knife Attacks.*

Chairman

It has been a stimulating discussion. There can be no doubt of course that the media in the last fifteen years has played a significant role in informing public understanding in many problem areas within our society. That trend within the media, although it may be uncomfortable at times, can only be healthy because it stimulates public awareness, it stimulates public judgement, and it makes the public think about what they do really require of their fellow citizens and of their institutions in our society. I think this has probably been one of the most valuable seminars that we have had within this particular institute and I should like to thank all those who have come with prepared material and who have contributed from the floor of the meeting.

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