

2014

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Marsh, I. (2014) 'Conceptualising Media Representations of Crime and Justice within Historical and Contemporary Criminology', *Law, Crime and History*, 4(3), pp.74-83. Available at:

<https://pearl.plymouth.ac.uk/handle/10026.1/8908>

<http://hdl.handle.net/10026.1/8908>

SOLON Law, Crime and History

University of Plymouth

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CONCEPTUALISING MEDIA REPRESENTATIONS OF CRIME AND JUSTICE WITHIN HISTORICAL AND CONTEMPORARY CRIMINOLOGY

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Introduction

The intention of this brief discussion paper is to highlight the importance, indeed the necessity, for criminology to acknowledge, describe and examine the media's representation of crime, criminals and criminal justice. In doing so, academic criminology has to accept that the vast majority of people are not social scientists or academics at all, and that their knowledge and therefore understanding of the subject matter of criminology is largely framed by their consumption of a wide and massive variety of media portrayals and representations. That said, it is fairly self-evident that examination of the manner and style in which the media represent crime, criminals and justice and the ways in which such representations impact on society should be a key element of the criminological endeavour. The paper starts with a consideration of the development of the discipline of criminology and later discusses theoretical approaches to examining the media construction of crime and justice.

1 The Development of the Discipline of Criminology

In terms of the development of criminology as an academic subject within the higher education sector, it is interesting to note that the first chapter in the first three editions of the renowned *Oxford Handbook of Criminology* were written by David Garland and sub-titled 'The Development of Criminology in Britain'². This chapter refers to and updates a similarly renowned edited collection from Paul Rock, *A History of British Criminology*, published in 1988. Garland argues that since the mid-twentieth century, criminology developed an increasingly distinct disciplinary identity and considers the reasons for this development. His argument, essentially, is that criminology grew from two separate enterprises – an administrative based, governmental approach and an academic, more theoretical position. The former was centred around the empirical examination of the administration of criminal justice and related issues (including the policies and practices of the police, courts, probation service and prisons); the latter around more theoretical and scientific examination into the causes of criminal behaviour (which Garland terms 'the Lombrosian project').

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² D. Garland, 'Of Crimes and Criminals: The Development of Criminology in Britain', in M. Maguire, R. Morgan R and R. Reiner (eds), *The Oxford Handbook of Criminology* (3rd ed., Oxford University Press, 2002).

Although the coming together of these two elements or enterprises was not inevitable, the combination was, he argues, essential for the development of criminology as 'sufficiently useful and sufficiently scientific to merit the status of an accredited academic discipline'.³ Elaborating on this, criminology, as with any body of knowledge, is seen by Garland as a socially constructed, historically specific body of knowledge and investigative procedures rather than 'a science waiting to happen' (even though some more administratively inclined criminologists may still believe this). While the interest in crime, justice and punishment has a long history, the distinctive nature of the discipline of criminology is a recent development. Garland then refers to the very few key texts in the discipline prior to the 1970s before reflecting on the contemporary position of the discipline.

So in the period since the 1960s criminology, in Britain at least, has been transformed from a minor scientific specialism into an established academic discipline, with its own journals, departments and conferences. A transformation that was led to a large extent by the work and achievements of a few key individual social scientists, who are referred to by Rock (see below) as a 'new' and 'fortunate' generation, and are often linked with the contributors to the now famous National Deviancy Conference, founded at York in 1968. These social scientists, who may not even have considered themselves criminologists at the time, were critical of what they saw as the establishment based and atheoretical pragmatism of the two enterprises or approaches highlighted above that had led to the early development of the discipline.

In the early years of the twenty-first century, criminology and criminal justice courses and degrees were still largely situated in university departments of sociology, law, psychology or a related subject area. It is not surprising, then, that the subject itself also embraced an eclectic mixture of topics and areas of study and that modern criminology is 'highly differentiated in its theoretical, methodological and empirical concerns'.⁴ With this background in mind, it can be argued that a number of more recent texts, along with curricula from criminology courses, have tried to draw the subject together and establish its identity

My own research, scholarship and writing has necessarily been informed and influenced by some of these broader issues and ideas around the changing nature of the social sciences, particularly sociology and criminology in British higher education. As mentioned above, in 1988 Paul Rock and others examined the 'present state of criminology in Britain' at a time

³ Ibid, p.8.

⁴ Ibid, p.15.

when there were very few, if any, departments of criminology and aside from a few key centres of criminology at some of the major universities. He talked about 'the golden age of the 1970s' when virtually all the well known criminologists knew each other, collaborated together and exchanged ideas. The 'fortunate generation' included himself as well as Stan Cohen, Laurie Taylor, Jock Young, David Garland, Ian Taylor and Tom Bottoms to name a few. To some extent the popularity of the criminological elements and courses within sociology, psychology and law programmes led to the gradual development of first postgraduate and then undergraduate degree programmes in the discipline – either entitled as criminology, criminal justice, crime and deviance or a closely related title.

A survey of criminology in British universities today would produce a very different picture to that presented by Rock. As the subject has found increasing popularity, so areas within it have established themselves – with degree programmes including various different strands and courses or modules dependent on the structure of different academic programmes. Further to this, the eclectic and multi-disciplinary nature of and background to the discipline has led criminology to expand to embrace new topics and elements. It is in this context, that recent scholarship, research and writing on the relationship between crime, criminal justice and the media has developed, including my own work in this area.⁵ In effect, criminology has taken the topic of the media and crime and distinguished it from the work of media specialists, studying newspapers and/or TV processes.

2 Some Methodological Suggestions

More recent work examining the relationship between the media and crime and justice has tried to emphasise the role of the media throughout the history of crime and justice – highlighting the links between the media and public opinion, and the influence of media representation of crimes, criminals and criminal justice agencies. It was not until Stan Cohen's work on moral panics was written and then published in the early 1970s that the first indications of the media's key role in the academic study of criminology began to be widely recognized.⁶

In terms of a methodological approach, in examining the media representation of crime, criminals and criminal justice it is essential to look at a wide range of original and secondary sources, both historical and contemporary, including the popular press, as this is where so much of public opinion is informed. The *Daily Mail* online website (Mail Online) is hardly the

⁵ I. Marsh I and G. Melville, *Crime Justice and the Media*, 2nd ed. (London: Routledge, 2014).

⁶ S. Cohen, *Folk Devils and Moral Panics*, (London: McGibbon and Kee, 1972).

most well regarded academic source, yet it is the world's most popular news site, having recently eclipsed the *New York Times*, the long-time holder of the top spot (according to the tracking source, ComScore). A quick glance at that website indicates the amount of crime-related stories reported; and if these and other popular sources are providing information for millions of people, then they should not be ignored by academic criminologists. Of course, the selection of material has to start with a detailed and thorough examination of the academic research in the area. So, for instance, if writing on the media representation of the police, it is important to look initially at original and first hand academic research on the police as an organisation before focusing on references to and examples of the public and media image of the police. It is also important to consider TV and film representations, both factual and fictional, using particular case studies to illustrate any arguments.

To elaborate on this methodological approach a little, as mentioned above when using the police as an example, the starting point would be conventional academic studies in the area, from journal articles, ethnographic and case studies, relevant texts and official reports (often Home Office based). Furthermore it is important to adopt an inter-disciplinary perspective, so to look beyond mainstream criminological sources to consider work in related disciplines (such as psychology, history, possibly literature and so on). This reflects the comments earlier about the development of criminology itself as an academic discipline from a number of different subject areas. Then, to illustrate some of the points being made, to consider more populist material from different media sources – newspapers, television programmes, both factual and fictional, film and, more recently, the internet. So while the broad themes and arguments looked at may be similar to those considered in other studies and texts, going back to original and popular sources will often lead to a more personalised and slightly different approach; and the use of illustrative material from such media will provide some uniqueness to the particular discussion or overview as the case may be. The use of such material will also, of course, enable both arguments and descriptions to be updated, refreshed and reflected on anew.

In arguing for the recognition of media representation as a key role in developing an understanding of crime and justice, I would suggest that the vast majority of knowledge, and certainly of public opinion, of crime, criminals and criminal justice agencies is based on media portrayals. Indeed that the general knowledge of crime, criminals and criminal justice agencies could be said to be mediated or mediatized! This has been the case throughout

history as analysed in Rowbotham, Stevenson and Pegg's *Crime News in Modern Britain*.⁷ Public opinion and knowledge are often dependent on the media take on and portrayal of events, rather than any rational discourse. Of course it is not just the wider public who rely on the media for their knowledge and understanding of crime and justice; it is also for many who work in the criminal justice system. In this context Mason (2003)⁸ refers to two Director Generals of the prison service acknowledging the role the media played in their own experience of prisons:

In 1992, Derek Lewis confessed that prior to taking the post as head of the prison service, 'his knowledge of prison life came from the media and the BBC comedy programme *Porridge...*' [and] More recently, the current Director General, Martin Narey, said that the BBC documentary *Strangeways* 'played a big role in my deciding to join the prison service'.⁹

I referred earlier to the widespread use of the Mail Online website and the fact that a brief content analysis of this on any one day will demonstrate the high percentage of crime and crime related stories. Similarly, the plot lines in TV soap operas, dramas, documentaries, films and literature evidence the massive media interest in and coverage of crime and criminal justice. A glance at the shelves of a bookshop further illustrates the popularity of crime fiction and crime in wider fiction, both now and throughout history. This is not to argue that media representations are right or that they should be accepted or believed, indeed quite the reverse. The vast coverage makes critical analysis essential, but this analysis has to be based on and relate to just what has been portrayed. Thus, analysis of the media portrayal of offenders in relation to, say, ethnicity or age should, start by the examination of the range and style of such representation and then apply critical and theoretical arguments.

After the selection and analysis of a range of original and secondary sources, both academic and more populist, it is essential, I would argue, to adopt a broadly realist position as a background to writing about crime and criminal justice generally as well as in a focus on the media. This approach is based on the belief that crime is a real issue for both people and society, and while not claiming to represent a clearly defined theoretical position, my own examination of crime justice and the media has been influenced by a left realist stance. Further to this, while it is clear a good deal of media reporting and representation of crime and criminals could well be described, at the least, as sensationalist, this does not make those crimes any less real for the people involved, nor does it make dangerous offenders

⁷ J. Rowbotham, K. Stevenson and S. Pegg *Crime News in Modern Britain. Press Reporting and Responsibility, 1820-2010*, (Basingstoke, Palgrave Macmillan, 2013).

⁸ P. Mason, 'Introduction: Visions of Crime and Justice', in P. Mason (ed) *Media Representations of Crime and Justice*, (Cullompton: Willan Publishing, 2003)

⁹ *Ibid*, pp.279-280.

any less dangerous. It is scant consolation for victims of particular crimes to know that those crimes are widespread and have become something of the 'flavour of the month' for media sources. As Jock Young (1997) eloquently put it, 'the essential flaw of establishment criminology is to attempt to explain crime without touching upon reality'.¹⁰

The left realist position recognizes the reality of crime but also the need to do something to address its causes. This position was perhaps best reflected in the notion of the 'square of crime' and the argument that a full criminological understanding should include the offender, the state, the victim and also the wider or public society. In broad terms, this accords with my argument about the role of the media, and that the representations of the media – its accounts of both real or fictional crime – are the basis for much of society's understanding of crime and criminal justice. Furthermore that all four elements of the square will be better understood by a consideration of the media representation of them.

3 Media Constructions of Crime

In making the case for and in developing this position, I have become more and more convinced that there has to be a realist but critical understanding of the role of the media – it is clear the media does have a significant influence on the wider public as a whole, but also on scholars and researchers. Even academic criminologists rely, to greater or lesser degrees, on the way it presents our area of interest and scholarship. Even if people might gain a first-hand understanding of the prison service, for instance, through working in or studying the area, it is almost inevitable that their first ideas and comprehension of prisons and imprisonment will have come from the media – from television, or film, or books, or newspapers. The same is true for other areas of the criminal justice system. And much of this initial information will have been gained from what might be termed the popular media – the largest television viewing figures and newspaper readership figures are from media sources which academics may not view as reliable or authentic. However, I would argue that that is a little irrelevant if it is the case that people believe the representations of crime, criminals, police, courts, prisons or whatever that they have seen in a film or a television soap or read about in a tabloid newspaper; or indeed if they believe that, at the least, such representations are based on and reasonably close to reality. It follows, then, that to a certain extent, it is sensible, and realistic, to accept that those representations become real for many people.

¹⁰ J. Young, 'Foreword', in R. van Swannigen, *Critical Criminology*, (London: Sage, 1997).

The basis of this position is that the media constructs representations of crime and justice and in doing so presents an often sensationalised representation; and this does not just impact on the public's lay view of crime but also on criminal justice practitioners. This is not to argue that crime is merely a social construct or fail to acknowledge that the social harm caused by crime is real. This is reflected in what could be seen as a journey in relation to the development of the academic study of crime and justice from a broadly interactionist perspective toward a realist but critical perspective, acknowledging the influence of left realism. Put simply, crime can be both constructed through the media but it is underpinned by often harmful and certainly illegal acts. This approach helps provide an understanding of how crime, both as a concept but also a real event, develops, is reproduced and then can be transformed in our society, and particularly through the media of the day. While it is appropriate to acknowledge the role of post-modernism and cultural criminology, and in particular the emphasis on how the spread of and role of the media has influenced the manner in which certain activities come to be constructed as criminal and how it is also important to consider everyday consumption of crime as drama and entertainment, I would argue for a more realist approach. This is not to deny the influence of cultural criminology, both generally and on my thinking and approach more specifically. The seminal work of Jeff Ferrell for instance (1999)¹¹ drew from a number of perspectives including postmodernism, critical and Marxist theory and interactionist approaches; and the highlighting of how crime and the control of crime had to be understood in relation to images, meanings and representations, as cultural and social constructions, was a significant development.

4 Left Idealism

The realist position is perhaps not always explicit in academic research and texts, however it is, at the least, implicit in much of this work. Before concluding I would like to say a little more on this and to relate it to wider developments in the discipline. As criminology and the study of deviance became popular within sociology and other subject areas and gradually as a subject in its own right, many contemporary key thinkers came to advocate an idealistic view, which almost seemed to condone criminal acts perpetrated by the working class. It was argued that the focus of criminological work should be on corporate crime and the 'crimes of the powerful'. This 'left idealism' was clearly influenced by early theorising and research that developed the labelling and subcultural perspectives and expressed a degree of sympathy with the 'underdog'. Left idealism was adopted by critical criminologists, in both the UK (for instance Stuart Hall¹² and Paul Gilroy¹³) and in the USA (for instance Richard

¹¹ J. Ferrell, 'Cultural Criminology', *Annual Review of Criminology*, 25:1, (1999) pp.395-418.

¹² S. Hall et al, *Policing the Crisis: Mugging, the State and Law and Order*, (London: MacMillan, 1978).

Quinney¹⁴), who argued that the criminal justice system served to stigmatize groups of the working class as criminals and that the function of that system was essentially to maintain social order and widen the net of social control. Indeed a central argument of this approach seemed to be that capitalism is essentially the cause of crime – and that the process of criminalization serves to maintain and extend social inequality (and that the only solution was to overthrow the capitalist system and replace it with a fairer and more just society). There was even a tendency to see working class crime as a sort of revolutionary challenge to capitalism.

'Left idealism' was perhaps never a clearly defined school of thought and on reflection could be seen to be almost an example of or development from neo-Marxist, radical criminology. However, some of those criminologists who had been involved with the more critical approaches began to criticise the utopianism and narrowness of the left idealist position; and while acknowledging its role in highlighting the crimes of the powerful, argued it had ignored the real problems caused by working class crime against working class people. Jock Young, for instance, was closely associated with the development of radical and critical criminology as co-author (with Ian Taylor and Paul Walton) of *The New Criminology and Critical Criminology* in 1973 and 1975 respectively¹⁵, but by the 1980s was critical of aspects of this perspective and was a key figure in the development of left realism itself.

The left realist position was to emphasize how crime had to be taken seriously and was not necessarily an idealistic (albeit hidden) attack on capitalism. Furthermore that previous, idealist accounts had largely ignored the victims of crime. In this respect, Young stressed the need to address both the impact of crime and the context in which it happened.¹⁶ This approach could be seen as a reaction to the idealist type analyses based on instrumental Marxism and which ignored street or working class crime. Left realism criticised the idealistic position which refused to work with practical policies and measures to reduce victimisation (and particularly working class victimisation) - for instance, Paul Gilroy's argument that the 'riots' in inner city areas in the early 1980s could be seen as political, anti-capitalist actions from ethnic minority groups.

In terms of the development of criminology as an academic subject, in the 1960s and 1970s particularly, there were a number of key and classic research studies (often from American

¹³ P. Gilroy, *There Ain't no Black in the Union Jack*, (Chicago University Press, 1987).

¹⁴ R. Quinney, *Class, State and Crime*, (Harlow: Longman, 1977).

¹⁵ I. Taylor, P. Walton and J. Young, *The New Criminology*, (London: Routledge & Kegan Paul, 1973). and *Critical Criminology*, (London: Routledge & Kegan Paul, 1975).

¹⁶ J. Lea and J. Young, *What is to be done about Law and Order?* (Harmondsworth: Penguin, 1984).

sociologists such as Howard Becker and Lewis Yablonsky) that provided in-depth, ethnographic studies of the lives of deviant individuals and groups. Social science generally and criminology specifically were also strongly influenced in this period by the work of labelling theorists and then by the work of British criminologists such as Cohen, Young and others. The integrated nature of left realism provided scope for acknowledging such work and was clearly evidenced by Young's crucial contribution - his notion of the square of crime (mentioned earlier) and the interplay between the state, wider society, the victim and the offender (the four points or sides of the square). Essentially, the left realist position recognizes the reality of crime but also the need to do something to address its causes – it considers social action and also social reaction. This resonates with the argument that the media representation of crime and justice – in both real and fictional accounts – is a key element in considering social reaction, being the basis for much of society's understanding of crime and criminal justice. Also that the media representation of all points of the square of crime merits examination and consideration

In arguing for a realist viewpoint, but with a degree of caution or even cynicism about some the claims of both critical and realist criminologists, I would advocate what might be best seen as a new or eclectic realist; and that my suspicions of the claims of some of the evangelizing criminologists who have (it must be said) inspired me over the last 40 years are in my view justified. My research and writing on the relationship between media representations, crime and criminal justice have led me to what could be termed a realistic, integrated, eclectic position.

While not explicitly relating this approach to left or critical realism, it does accord with the broad thrust of a realist argument. I feel that any social science discipline and particularly criminology of course, has to accept that the object of investigation has at least a degree of reality and leads to real outcomes. Criminology can look objectively and scientifically at the mechanisms that produce social results, in the case, for example, of media representations, but needs to acknowledge the greater uncertainty involved in this analysis due to the human agencies involved. In this context, the realist approach considers outside factors constraining journalists and other media representatives and also internal factors such as audience perceptions.

There has to be an acknowledgement that there *is* a real world and there are concepts of 'truth', or perhaps 'correctness', and that the media will and does provide specific representation of reality. Of course, while there clearly needs to be some caution in this

acknowledgement, there is still a case for considering and investigating claims to objective reality. It is maybe easy to take a sideswipe at postmodernism, which certainly seems to have had its day in the academic limelight, but which played a part in the development of work on the role of the media in the study of crime and justice. The notion of crime as a social construction is nothing new and many of the ideas of postmodernism can be found in classic social and criminological theory (including Marxism, labelling theory and phenomenology). The postmodernist influenced criminological theorising and argument (for instance, in what was termed constitutive criminology by Henry and Milovanovic, 1996¹⁷) that there are 'multiple truths' and that meta narratives of class and power should be replaced by individualistic explanations, with every crime being seen as a 'one-off' with an array of individual causes, can be criticised as something of an intellectual fad. Nonetheless, postmodernist work has helped emphasise the importance of non-materialistic crimes, such as hate crime and anti-social behaviour more generally; and how the increased fragmentation of society has encouraged a fragmentation of crime prevention and control.

Conclusion

Overall then, it is vital to emphasize and then to conceptualise how media representations have played a key role in helping develop a greater understanding of crime, criminals and justice. Also, and while adopting an objective and critical approach, how such representations deserve to be accepted as real and therefore legitimate and important areas of examination. The academic study of crime and justice, in all its forms, needs to take account of the importance of the media, both historically and how it has developed, in helping an understanding of the extent, form and also the explanations for crime and crime control. The links between crime, justice and media representations can be found throughout contemporary and historical culture - in film, literature, the press, television, the internet – and merit the attention of the criminological endeavour.

¹⁷ H. Henry and D. Milovanovic, *Constitutive Criminology: Beyond Postmodernism*, (London: Routledge, 1996).