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**Constructing and Reconstructing Criminality
in Aotearoa/New Zealand:
Dominant Media Discourses on Crime and Criminality
and their Impact on Offenders' Identities and Rehabilitation Efforts**

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Abstract

This study investigates the dominant media discourses and ideologies surrounding crime and criminality in Aotearoa/New Zealand, how such discourses are constructed and legitimised by media reporting of crime, and the implications of these discourses for deemed offenders.

The study firstly involves a critical discourse analysis (CDA) of ‘mainstream’ media reports relating to crime and criminality in Aotearoa/New Zealand over a 12-month period – paying particular attention to the reporting evident in two major newspaper outlets. This analysis reveals two key themes: the construction of criminal offenders as *undeserving criminalised others* – particularly through the use of truth-claims about criminality and the simplification of offenders’ identities – and the legitimisation of retributive, tough-on-crime, responses to offending.

The analysis of media discourses is augmented by an ethnographic study of an offender rehabilitation programme. This investigation is used to explore how dominant discourses and ideologies on crime and criminality contribute to the construction of offenders’ self-identities, the impact of such identity construction on their patterns of offending and rehabilitation, as well as the ways in which these discourses are contested (or reinforced) by those deemed ‘offenders’. This follow-up ethnographic case study involves participant observation, focus groups and interviews with participants of the *Good Lives Model* offender rehabilitation programme at *Anglican Action* in Hamilton over a 12-month period. The participants of this programme are men transitioning back into the community after serving significant prison sentences.

The ethnographic investigation reveals the ways the otherising discourses exposed in the CDA are present for, and effect, the men as they make the challenging journey out of prison, particularly in their experiences of discrimination and otherisation when seeking to engage with, and transition back into, the wider community. This exploration also reveals a nuanced negotiation of identity and power, whereby the men both draw on and challenge the dominant discourses at different times in the process of negotiating an identity position and accessing agency within a marginalising discursive framework.

Thus, the discourse analysis and the ethnographic study together provide rich insights into the pervasive impacts of dominant public constructions of criminality on offenders' sense of identity and on their attempts to reintegrate with society.

The study concludes by arguing that the CDA and ethnographic investigation together emphasise the need to challenge the destructive nature of the dominant discourses and cultivate a more inclusive and reasoned discursive framework for exploring ideas around crime and criminality in Aotearoa/New Zealand. The thesis argues that one way to counter the 'wilful blindness' exemplified in media and public discourses, is through the use of *story* for it is through listening and seeking to know the *other* that we can begin to have our assumptions challenged.

It is important to note that this thesis in no way endorses any criminal offending nor does it seek to minimise the pain and suffering of any victims of crime. Rather, it argues that such a dualistic understanding of crime, and the relationship between victims and offenders, only inhibits our ability to look at the issues surrounding crime and criminality with clarity.

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1. Introduction

Dominant discourses within our society reflect strong messages about the beliefs and values we ‘should’ assume to be natural (Burr, 2003; Conrad, 2011). These discourses often frame our ‘common sense’ of what is right and acceptable, who is deserving or undeserving (Ganesh, 2008; Jorgensen, 2012), and how we should understand and interpret different events – such as crime. Moreover, these discourses are usually hegemonic in as much as they legitimise existing power structures which oppress and marginalise certain members of our society; particularly those who do not fit within the dominant view of virtue or success – such as criminal offenders (Fraser, 1990; Mumby, 2001; Schneider & Ingram, 1993). However, hegemonic discourses are not fixed phenomena. They are actively created and recreated through everyday communication and interaction (Burr, 2003; Mumby, 2001). As Mumby (2001) explains, “[c]ommunication practices construct identities, experiences, and ways of knowing that serve some interests over others” (p. 614). Therefore, in all forms of organising and communication it is important to become mindful of whose interests are served by a particular framing of reality, and to actively interrogate the ways oppressive power structures are reproduced through discursive actions (Harter, Edwards, McClanahan, Hopson, & Carson-Stern, 2004; Mumby, 2001).

The criminal justice system is one clear example of an oppressive power structure which is maintained and legitimised through the production of a hegemonic ‘crime-and-punishment’ discourse. Pervasive media discourses, which promote the negative construction and otherisation of those on the ‘wrong’ side of the criminal justice system, have significant implications for criminalised communities as well as the wider society. With the second highest rate of

incarceration in the Western world (Treasury, 2009b; Walmsely, 2013), New Zealand's current corrections policy framework is seen by many as a national failure (JustSpeak, 2014; Pratt & Clark, 2005). The 'tough-on-crime' rhetoric that has characterised public debate surrounding discussion about crime and justice policy in New Zealand over the past two decades has contributed to a system which focuses almost entirely on retribution and continues to victimise and vilify the most vulnerable sectors of our society (Pratt & Clark, 2005).

While there is strong evidence pointing to the detrimental effects a punitive, prison-based, justice system has on society (Brown, 2010; Brooking, 2011; Centre for Mental Health, 2011; Chen & Shapiro, 2007; Doob & Webster, 2004; Gendreau, Goggin & Cullen, 1999; Justice Policy Institute, 2009; JustSpeak, 2014; Tonry, 2005; Tonry, 2008), the discourses surrounding criminal justice policy often leave us blind to the damaging effects of prison by constructing the idea that a 'crime-and-punishment' approach, which focuses predominantly on retributive justice, is the only acceptable response to crime (Pratt, 2007; Pratt & Clark, 2005).

It is because of the success of this dominant discourse in propelling harmful punishment-based justice policy that I believe this study is an important area of research. It is important, firstly, because it seeks to uncover the hidden discourses which legitimise this approach in public discourse in a New Zealand context. Additionally, this study looks at the effects these discourses have, not only on public attitudes and policy responses, but also on offenders' self-identities and how that, in turn, impacts offending and rehabilitation. It is through understanding the dominant discursive constructions embedded in our public psyche, and the implications they have for individuals and the wider community, that we can then

explore new ways of engaging with the issues that surround crime and criminality in Aotearoa/New Zealand.

Reflexivity

As researchers, we never enter the research process from a neutral position; our life experiences, worldview, values, and interests all take a central role in the outcome of the research as they affect decisions about what should be studied, what gets observed or recorded, from what perspective that information is analysed, and how the data is presented or reported. Such a point is made clear by Stanley and Wise (1993) who explain that “[w]hether we like it or not, researchers remain human beings complete with the usual assembly of feelings, failings and moods . . . [which] influence how we feel and understand what is going on” (p. 157). In other words, as researchers we cannot enter any communication event from a position of neutrality. In spite of the implicit suggestions of neutrality that often accompany social science research, each researcher brings with them different values, assumptions and perspectives which have a central role in shaping every aspect of their research project. Therefore, Prichard, Jones and Stablein (2005) suggest “the first question to ask as a researcher is ‘who am I?’” (p. 232). They argue this is because “[o]ne needs to develop a reflexive awareness of the conditions and circumstances in which one finds oneself” (p. 215).

This need to be reflexive when undertaking research is advocated by many scholars (see e.g., Cunliffe, 2003; Ganesh, 2014; Munshi, 2005; Simpson and Ake, 2010), who suggest that it is vital for researchers to reflect on their own perspectives and values, and declare their own biases and backgrounds so that they can be self-analytical and avoid holding these biases and assumptions up as

the only possible or natural reality. These scholars suggest that because of the subjective nature of the researcher (and therefore the subjective nature of all research), it is important to attempt to become cognisant of the values, interests, and worldviews one brings to the research process, especially because these aspects directly impact on the choice of interpretive frames and research methods. Thus, while I acknowledge we are not so omnipotent as to know all our biases, fears, likes, dislikes and prejudices – and thus true reflexivity is an impossible aspiration – I feel it is appropriate to begin this research with a personal narrative which highlights some of my own subjectivity and motivations in approaching this area of research.

Me and the 'Justice' System

For me, issues of power and privilege have been a deeply held concern from a very early age, ignited by the experience of watching my (long-term foster) brother hauled through the criminal justice system, and sent to prison. Although I was young at the time, I will never forget the way our 'justice' system stripped him of power, and made sure he knew he was worth less than the rest of us because of his sins. Dave (not his real name) was not a bad kid. In fact, he is one of the kindest people you will ever meet. But because he broke the conventions of our society he became one of 'them' – the 'other'. He was deemed to be a mere delinquent, in need of punishment and coercion in order to 'straighten him up'. In the eyes of our society, Dave was no longer deserving of respect, dignity, or personal power. Instead, the system actively sought to silence and dehumanise him, thinking this would prevent him from breaking the rules next time.

This overt expression of power by the State manifested itself in many ways during my experience of watching my brother engage with the criminal justice system. In

its most visible form, this power relationship was expressed by Dave's incarceration – which stripped him of freedom and privacy, and placed stringent and punitive sanctions upon him. However, perhaps more significantly, I also have a strong recollection to the more subtle ways this power relationship was enacted. For instance, once Dave was deemed a criminal, and therefore joined the 'other' (or those on the wrong side of the justice system), his personhood was no longer respected by those who hold power in our society. His voice became irrelevant. This was expressed by the way he was expected to wait for hours outside the Courthouse, not knowing when he would be called in for sentencing or by the way he had family prison visits cancelled at the last minute without any apparent reason. This sort of treatment is perfectly normal and mundane within the justice system; however, as someone witnessing and experiencing it for the first time, I was very aware that the message it sends people about their value and autonomy is subtly, and sometimes not so subtly, dehumanising.

Watching this exchange of power relationships, I was filled with rage; the whole experience lit a fire in the pit of my stomach that refused to go out. I was aware that Dave entered the justice system a vulnerable person, damaged by the pain of his childhood. However, he left it even more broken, more vulnerable, and more powerless. As I have grown older, I have come to see that Dave's experiences are not isolated; in fact, Dave's story of disempowerment and dehumanisation by this dominant and accepted system of power is reflective of the way power works in many sectors our society – where the powerful have a voice, and construct a reality that silences and dehumanises the powerless 'other'; thus reinforcing their power. Therefore, that very early encounter with the systems of power, which – in my opinion – oppresses and marginalises some of the most vulnerable and broken

members of our society, is one story in my life's narrative which has sparked a lifelong passion to challenge pervasive systems of power, and seek to be a voice alongside the powerless.

Thus, when I approach research, I arrive at the problem with an expectation that power is in action, and I have a propensity to think about communication and social action in terms of who is heard and who is not. I do not start from a position of neutrality, but engage in the research process as someone who is deeply concerned by the injustices of our world.

2. Literature Review

Having established my normative position in this field of research, and outlined my personal motivation for embarking on this particular journey, I now turn to the literature to develop a case which illustrates the need for this particular research project. This literature review begins by developing a picture of the current criminal justice system in New Zealand. It draws on evidence and research to illustrate the failure of the current corrections policy direction, which focuses on retribution and imprisonment as the most appropriate response to crime, specifically looking at the significant financial and social costs of such a system. The review then draws on the available literature to investigate how this system is legitimised and maintained through the production of the hegemonic ‘crime-and-punishment’ discourse, looking specifically at the way mainstream media decontextualise crime and ‘otherise’ criminals in this process. Finally, the review explores the concept of counter-discourse production and looks to available examples of organisations pursuing social change through the creation of counter-discourses which challenge hegemonic assumptions and truth-claims.

Crime and Punishment: A Failing Response to Crime

Issues of crime and justice often evoke strong emotional responses from the public. There are few things in the world that people fear more than the invasive consequences of crime. Crime – the threat of violence or affronting breaches of social conventions – often triggers intense gut reactions that call for strong retribution in order to right the wrong. As a means of maintaining social cohesion and preventing crime, New Zealand – like many industrialised societies – has developed retributive criminal justice policies centred on imprisonment as the

primary form of justice. However, this focus on retribution has become an indictment on our society.

As a nation, New Zealand locks up a higher proportion of its population than any other Western country except the U.S. (Treasury, 2009b; Walmsely, 2013). Further, its prisons are overwhelmingly filled by marginalised groups and ethnic minorities – particularly Māori. Although Māori constitute only 14.9 per cent of the total population, they make up over 50 per cent of the prison population; making the indigenous people of Aotearoa one of the most imprisoned ethnicities in the world (Department of Corrections, 2014; Durie, 2007; Statistics New Zealand, 2013). Moreover, in spite of a declining crime rate in New Zealand over the last decade, levels of incarceration have nearly doubled, with the prison population exploding from 4,500 to over 8,000 since 2001 (Department of Corrections, 2014; Workman, 2011a; Treasury, 2009a). Much of this expansion in prisoner numbers can be attributed to successive Governments championing politically rewarding policies that propose to ‘get tough on crime’ in response to public anxiety (Pratt, 2007). However, this high rate of incarceration is failing to promote public safety and comes at a huge, and fundamentally unsustainable, social and economic cost to families, communities, and the nation at large.

The Cost of Crime

New Zealand spends an excessive amount of money on crime and justice. In spite of two decades of pressure to reduce state expenditure, corrections and justice spending is one area that has not been placed under pressure to be restrained. In actuality, state spending on corrections and justice has expanded faster than nearly every other area of spending over the past 20 years (Treasury, 2009a). According to Treasury (2009a), spending in the sector since 1994 has effectively doubled in

inflation adjusted terms. However, as also noted by Treasury (2009b), “the increase in spending has not been linked to recorded crime rates, which have been broadly stable over the same period. Rather, cost growth has been driven primarily by the decisions of governments”. Recent figures show the Government is spending \$3.8 billion on the justice sector per annum, which equates to close to six per cent of total government spending, and just under two per cent of national GDP (Treasury, 2014). A marked proportion of this money goes towards the incarceration of the 8,000 plus prisoners within the 19 prisons, at an approximated cost of over \$90,000 per prisoner per year (Department of Corrections, 2011; Department of Corrections 2014).

Does Imprisonment Reduce Crime?

According to the 2011 Department of Corrections briefing to the incoming Minister, the “bottom line in working with offenders is to keep the public safe” (2011, p. 2). However, while successive Governments have proposed to be ‘tough on crime’, the policy outcomes have often resulted in stronger sanctions and longer terms of imprisonment (Pratt & Clark, 2005). Given the high cost of this policy direction, one must ask: Do retributive prison-based policies make us safer?

An evidence based approach to answering this question reveals an overwhelming ‘No’. Both international and local research and advisory committees have constantly concluded that there is no evidence prisons reduce offending or reoffending (Brown, 2010; Doob & Webster, 2004; Tonry, 2005; Tonry, 2008). This conclusion was made particularly clear in a major study drawing on the research of 50 independent prison studies over a 40 year period which revealed prisons were not only ineffective at reducing recidivism; they actually increased

criminal behaviour upon release (Gendreau, Goggin & Cullen, 1999). This revelation is supported by other research which discovered that the longer a prison sentence, the more likely a prisoner will reoffend (Chen & Shapiro, 2007). One American based study, for example, found that States which deliberately reduced their imprisoned population by reducing sentence lengths and avoiding prison sentences for less severe crimes actually saw bigger drops in crime than those States which pursued tougher correctional policies and increased their prison population (Justice Policy Institute, 2009). Further, research concludes that the general notion of punishment is not an effective means of deterring criminal behaviour. As Brown (2010) explains, “research generally suggests that deterrence is, in any event, an overrated notion – largely assumed, rather than proven” (p. 142). Therefore, the evidence suggests prison is not only ineffective, but is an expensive way of isolating people and promoting criminal behaviour.

The Real Cost of Confinement

While the financial cost of imprisonment is high, the costs of incarceration go far beyond the tax dollars spent locking people away. Imprisonment undermines people’s ability to engage productively with society, and bears a significant social and physiological cost on prisoners and the communities they are linked to. Using a prison sentence as a form of punishment means individuals will almost certainly lose their employment, are removed from their supporting roles within their families and community, and are often stigmatised and alienated upon release (Goulding, 2008). The social stigma and marginalization that imprisonment causes can be a major driver of future reoffending (Goulding, 2008). Alongside the isolating effect of imprisonment, there is strong evidence to suggest imprisonment can trigger mental illness and undermine personal reliance,

therefore significantly reducing the likelihood someone will move away from criminal behaviour and engage positively with society in the future (Centre for Mental Health, 2011; Goulding, 2008). This was made particularly clear in a study of the mental health of prisoners in the UK which found that up to 90 per cent of prisoners have some form of mental health problem, with many developing depression or anxiety disorder as a result of incarceration (Centre for Mental Health, 2011).

Mass Imprisonment

The cost of imprisonment is even higher in particular communities and ethnic groups which are disproportionately affected by imprisonment. In these communities, the extremely high rate of imprisonment leads to a phenomenon called “mass imprisonment”. According to Garland (2001a) when high rates of imprisonment occur in certain communities prison becomes “part of the socialization process . . . [and] ceases to be a fate of a few criminal individuals and becomes a shaping institution for whole sectors of the population” (as cited in Workman, 2011b, p. 29). This concept is supported by Rose and Clear (1998) who explain:

High rates of imprisonment break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment towards the legal system. As a result, as communities become less capable of managing social order through family or social groups, crime rates go up. (p. 457)

In New Zealand, the effects of mass imprisonment have been extenuated over recent years as the communities to which a high number of offenders belong have been confronted with reductions in social service provision and primary health care, evictions and a lack of adequate housing, declining welfare support, and punitive polices seeking compliance through coercion (Prison Fellowship New Zealand, 2007; Workman, 2011b).

Understanding the ‘Crime and Punishment’ Response from a Communications Perspective

Neo-Liberalism and the Discourse of ‘Victim Rights’

While there is strong evidence pointing to the detrimental impact of imprisonment on our society, the discourses surrounding criminal justice policy often leaves us blind to the damaging effects of prison as they legitimise retributive policy, primarily through the construction of an idea that offenders’ and victims’ rights are fundamentally opposed. In recent times retributive focused law and order lobbyists have hijacked many victim support groups and pursued this win-lose argument whereby any protection of offender’s human rights is equated to the loss or diminution of the victim’s rights (Pratt & Clark, 2005; Strang, 2002). This ‘zero-sum’ argument has often been captured by politicians who have capitalised on the emotions evoked by the suffering of victims. At the heart of the victims’ rights discourse is the fundamental belief that crime involves ‘good people’ suffering at the hands of ‘bad people’ (Strang, 2002).

This ‘them’ and ‘us’ perception of crime has been cemented by the rise of neo-liberalism and neo-conservatism over the past two decades. As New Zealand has moved away from a welfare state, to a market-regulated society based on

individualism and personal responsibility, crime is no longer framed as an indicator of need or deprivation, but as a sign of delinquency and lack of personal control (Pratt & Clark, 2005; Prison Fellowship New Zealand, 2007; Strang, 2002; Workman, 2011b). In the market economy, the perpetrators of crime are not seen as the products of dysfunction or someone in need of help, but rather as rational and calculating individuals who will only respond to imposed disincentives (Garland, 2001b). This politically convenient view of ‘criminals’ allows our society to overlook our collective role in the criminal activity and exclude the possibility that offenders are themselves the victims of the systems of power and advantage ubiquitous in our society, and may in fact be disadvantaged and marginalised by current and/or historic economic and social policies (Garland, 2001b). By sentencing offenders to prison, the state effectively transfers its responsibility for the shortcomings of its policy directions to the individual offender, who is condemned for failing to take responsibility for his or her actions. As a result, successive Governments, both here and internationally, have made little commitment to addressing the causes of crime, while investing heavily in control and punishment (Garland, 2001b; Pratt & Clark, 2005; Workman, 2011b).

In New Zealand, the Government has largely entrenched this trend, promoting “get-tough” policies which aim to increase the level of punitiveness within the prison system and increase the punishment of prisoners, while pursuing rhetoric-based policies which vilify offenders and violate basic human rights (Pratt & Clark, 2005). Some of these policies include the Victim’s Rights Bill, which prevents prisoners from seeking damages when their rights are violated; the Sentencing and Parole Reform Act 2010, which increases prison sentence lengths and makes early release or bail harder to attain; the Electoral Amendment Bill,

which has removed prisoners' right to participate in our democracy; and the Corrections Amendment Bill, which has reduced controls around prisoner welfare. While these policies have been framed as a success for victims' rights, none of the policy developments reflect an evidence-based approach to crime reduction and the promotion of public safety (Pratt & Clark, 2005; Workman, 2011b). Rather, these policies reflect a phenomenon which Schneider and Ingram (1993) refer to as the social construction of target populations.

The Social Construction of Target Populations

According to Schneider and Ingram (1993), different publics within society are constructed either positively or negatively along normative notions of good or bad, deserving or undeserving, important or unimportant. Moreover, Schneider and Ingram (1993) argue "the social construction of target populations has a powerful influence on public officials and shapes both the policy agenda and the actual design of policy" (p. 334). In other words, depending on the social construction of a particular population, one may be constructed as vulnerable and deserving (i.e. children) or undeserving and blame-worthy (i.e. criminals). This social construction – alongside the level of power a group holds in society – directly impacts the way the group is treated by the government and has a significant effect on public policy (Jorgensen, 2012). These normative social constructions of target populations are not generated in isolation from social events, but are crafted, recreated, and legitimised through public discourse; particularly through the media.

Media and Crime – The Construction of Undeserving Others

The media has a central role in the production and reinforcement of dominant 'truth-claims', and therefore the social construction of different groups in society.

As McMullan (2005) explains, “truth claims are anchored in discourse and discursive formations that produce particular ways of organising thinking, talking and doing in regards to selected topics” (p. 18). Therefore, decontextualised, sensationalist and bias reporting on crime by the mainstream media is a key aspect of the ongoing legitimisation and dominance of the punitive ‘crime-and-punishment’ discourse and a retributive focused justice system. This point is made clear by Boyd and Carter (2010) who explain “[n]ews articles and texts that introduce and contextualise social problems also transmit ideas about the scope of these issues, as well as notions about the appropriate models of formal and informal regulation of these “problems” ” (p. 223). In other words, news reporting on social problems not only tells readers what constitutes a problem, but also conveys assumptions about how we should appropriately respond to the perceived problem. Moreover, by limiting the scope of the problem to a narrow depiction of the crime event, the media prevents the public discourse on crime from incorporating important factors embedded within the wider context.

Decontextualising crime reporting allows the media to silence offenders, and the communities they come from, enabling the public to project blame without engaging in the context and realities of the offender’s life (Schissel, 2006). The silencing and otherising of offenders by distorted media reporting is a particularly powerful tool in the legitimisation of current corrections policies because, in the minds of the public, it removes offenders from their social context and lived realities (Boyd & Carter, 2010; Schissel, 2006). According to Dottolo and Stewart (2008), when looking at the causes of crime it is vital to understand people’s identities are multi-faceted and cannot be properly appreciated or understood when only looking at one aspect of identity. This is because “individuals exist at

the “intersection” of many identities and social realities, all informed and shaped by the others” (Dottolo & Stewart, 2008, p. 350). Further, individual identities are complex and cannot be understood separate from the social context and systems of power within which they exist (Dottolo & Stewart, 2008). Therefore, the tendency of media to ignore context when reporting on crime undermines the identity of the offender and allows the public to view the offender as a one-dimensional criminalised *other*.

As well as silencing the offender, this decontextualisation in media reporting aids in the creation of the offender as a scapegoat upon whom blame can be projected. This is made clear in Boyd and Carter’s (2010) study which involves a critical analysis of news reporting of methamphetamine use in Canada. This study found drug use operates as a ‘cultural scapegoat’, diverting attention away from other social issues (e.g. such as poverty and homelessness) which may question the legitimacy of the current neo-liberal policy directions. According to Boyd and Carter (2010), *otherisation* is a central component of this social scapegoat strategy employed by the media, whereby ‘outsiders’ are constructed in narrow and superficial ways, removed from their social situations (such as homelessness or poverty) and devoid of a voice. Taylor (2008) reinforces this argument, explaining that there is an overabundance of studies internationally which show that media reporting constructs truth-claims which otherise offenders and legitimise current justice policies. As Taylor (2008) argues, “[t]he news media and criminal justice policy seemingly mirror each other’s beliefs. Indeed the reinforcement and belief in stereotypes and ‘outsiders’ seems to be part of what appears to be a mutually beneficial partnership” (p. 381-382).

The construction of the offender as an undeserving ‘other’ is a powerful tool used by Western democracies to enforce in-group social cohesion and acceptance of oppressive power structures in times of turmoil. As Grabe (1996) discovered, crime news serves the purpose of constructing social mores by emphasising a ‘them and us’ or ‘good and bad’ division which enhances in-group solidarity. Additionally, Garland (2008) explains that in times of social turmoil cultural scapegoats are used to distract the public and achieve the goal of greater regulation of already marginalised publics. This perspective is supported by numerous studies, including a critical discourse analysis of five news articles looking at youth crime in Sweden. In this study Lindgren (2009) illustrates how public media outlets otherise marginalised groups and legitimise prejudiced or racist logics through the use of discursively constructed truth-claims. Further, Lindgren (2009) goes on to argue that this negative construction of a marginalised community serves as a social scapegoat in societies plagued by the insecurities and turmoil of rising free-market capitalism.

The role of the media in supporting dominant ideologies is also illustrated by Dowler (2004) in his study of 400 TV news episodes from the U.S. and Canada. This investigation found crime reporting overwhelmingly focuses on violent and street crime – thus perpetuating negative constructions of marginalised classes – while largely neglecting to report on White-collar and corporate crimes. Such findings support the argument that the media is reluctant to criticise “free market” systems and the capitalist class, and tends to support the status quo.

The media’s tendency to support the status quo is linked to media outlets’ need to support their own interests. In his study of 400 news episodes, Dowler (2004) found the reporting of crime stories reflects a desire to appease advertisers and

increase ratings rather than provide objective or balanced information. Such an argument is supported by Harter et al. (2004) who suggest mainstream media outlets reinforce dominant power structures in society, largely because of their close funding relationship (via advertising) with big corporations. Harter et al. (2004) argue that this has caused mainstream media to become silent on issues such as poverty and homelessness, and to focus only on the needs and concerns of the upper- and middle-classes; employing discourses which reinforce and legitimise the privilege experienced by these social groups. This perspective is also shared by Hall (1978) who argues the media's distortion of crime privileges the already privileged classes.

Counter-Discourses

The reproduction of oppressive power structures through communication events (i.e. news reporting) suggests one potent way of challenging hegemonic structures, and seeking social change, is to contest the legitimacy of these discourses through the creation of counter-discourses. As Foucault (1978) explains, “[d]iscourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it” (p. 101). In other words, “discourse is [both] the source of power and resistance” (Jeppesen, 2009, p. 495).

Harter et al. (2004) supports this understanding of discourse and power, and explains that while marginalised groups have historically been excluded from participating in the construction of discourses surrounding political and social issues, there is much evidence to show that subaltern groups will often develop alternative public discourses. This view is supported by Fraser (1990) who suggests “subordinate social groups invent and circulate counter-discourses,

which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs” (p. 66). In other words, subaltern or marginalised groups will often respond to their exclusion from the process of discursive construction by creating ‘alternative discourse communities’ (p. 352) which challenge the privileging of certain values or assumptions, and craft out a new way of conceptualising their reality in a manner that does not dis-empower, blame, or further marginalise them (Ashcraft, 2000). Instead, these counter-discourses are intended to empower and validate the ‘outsiders’ identity and reject the oppressive notions implicit in hegemonic discourses (Conrad, 2011; Mumby, 2005).

However, the cultivation of counter-discourses can have implications that go beyond the validation of identities and norms within a marginalised group, and can also be a powerful agent of social change, particularly when enacted by organisations pursuing reform. Harter et al. (2004), for example, give an illustration of a Chicago based street paper called *StreetWise* which, alongside providing employment, attempts to challenge the taken for granted assumptions perpetuated by dominant discourses and provide a different space within the public sphere which “aims to expand public awareness of homeless issues to a “diverse” readership” (p. 410). To contest the privileging of hegemonic discourses and assumptions in mainstream media, Harter et al. (2004) found “*StreetWise* works to expose and critique the problems endemic to standard journalistic conventions . . . and rethink stories from the position of the unprivileged” (p. 414). Further, the authors found *StreetWise* constructs and reinforces a counter-discourse by actively questioning and contradicting the ways of knowing which are privileged in traditional media, focusing on issues which are deemed

important to the homeless community, and presenting stories *from the position of* the marginalised group (not merely *about* the marginalised group).

Jappesen's (2009) critical analysis of two news articles in Canada also highlighted the power of producing counter-truth-claims which challenge dominant discourses and assumptions. In her study, Jappesen (2009) takes the example of the discourse labelled the "War on Poverty" to illustrate how hegemonic groups construct regimes of truth which fail to reflect the actual experiences of people living in poverty. She compares this discourse with the discourse she labels the "War on the Poor", which challenges the assumptions put forward in the rhetoric of the "War on Poverty" and privileges a different set of truth-claims about the experiences of people living in poverty; the difference being that these truth-claims come from a lived experience of poverty. Because of the disempowering discourse privileged by the mainstream media, Jeppensen (2009) argues social justice organisations should privilege autonomous media which allows them to craft their own identities and discursive frames, unrestrained by the marginalising language of hegemonic media outlets.

Contesting hegemonic discourses in this way can potentially be very powerful as exposure to this counter-discourse may disrupt the dominant discourse and challenge dominant frames. Harter et al. (2004) suggest the success of this approach lies in its ability to produce a discourse which recognises groups and individuals who sit outside of the hegemonic centre, "thus creating empathy for and identification with the struggles these individuals and groups endure" (p. 415).

Gap in the Literature

While the above literature review illustrates there is ample literature available concerning criminal justice policy, there is not much that looks at criminal justice policy through the intersecting lenses of Communication Studies and Critical Criminology. A Communication Studies lens can focus on the role of mainstream media in the production of truth, while Critical Criminology can focus on the role of law and order policy in the marginalisation of target populations and the entrenching of class power dynamics (Rafter, 1990). Some aspects of this intersection are documented, however. For example, it is clear that there is sound scholarship focusing on the links between the media and crime construction – particularly in the Canadian context. Yet, there appears to be a lack of New Zealand based literature which problematises the media construction of crime and criminality. Additionally, there is a tendency for literature to focus on the top-down effects of hegemonic discourses, looking at how the media shapes social perceptions of crime. While this focus is important and valuable, I believe it overlooks an important aspect of discursive production: resistance. Alongside this, there is even less literature available which investigates the relationship between dominant discourses and the implications for offenders’ identities, and, subsequently, rehabilitation. I, therefore, believe research which looks specifically at the effects dominant discourses have on offenders within the New Zealand context, as well as exploring the dissenting voices of the often invisible people at the core of these oppressive discourses, will be a valid and significant contribution to the literature.

Accordingly, the research questions of my study are:

1. What are the dominant media discourses and ideologies surrounding crime and criminality in Aotearoa/New Zealand, and how are they constructed and legitimised by media reporting of crime in Aotearoa/New Zealand?
2. How are these discourses contested (or reinforced) by participants involved with the *Good Lives Model* programme at *Anglican Action*?
3. In what way do these discourses contribute to the construction of offenders' self-identities, and what impact does that have on their patterns of offending and rehabilitation?

3. Research Methodology

In order to investigate the three research questions that are the focus of this study, this research project involved an analysis of two distinct communication spaces: mainstream media reporting and communication within a case study environment. To analyse these, the study involved a critical discourse analysis (CDA) of ‘mainstream’ media reports relating to crime and criminality in Aotearoa/New Zealand and a follow-up ethnographic case study involving participant observation, focus groups and interviews with participants of the *Good Lives Model* offender rehabilitation programme at *Anglican Action* in Hamilton. The media analysis and the ethnographic study supplement one another and provide a good sense of the interplay between text and context.

The CDA of mainstream media reporting is used to address the first research question:

- What are the dominant media discourses and ideologies surrounding crime and criminality in Aotearoa/New Zealand, and how are they constructed and legitimised by media reporting of crime in Aotearoa/New Zealand?

This is supported by an analysis of the ethnographic study of the offender rehabilitation programme, which addresses the second and third research questions:

- How are dominant media discourses surrounding crime and criminality contested and/or reinforced by participants involved with the *Good Lives Model* programme at *Anglican Action*?

- In what way do these discourses contribute to the construction of offenders' self-identities, and what impact does that have on their patterns of offending and rehabilitation?

Critical Discourse Analysis (CDA)

Language is the central focus of CDA. According to Bryman (2008), unlike other social science research, where language is used as a medium to transmit information about the topic of interest, CDA holds that language *is* the topic of interest. Taking a constructionist ontological view, CDA researchers reject the idea of the social world as a single, pre-existing, objective reality, instead believing the social world is created and recreated through communication (Bryman, 2008; Burr, 2003; Fairclough, 1995; Potter, 1997). This view of the world places great emphasis on the importance of discourse. As Bryman (2008) explains, from the perspective of the CDA researcher, “discourse is much more than language as such: it is constructive of the social world” (p. 499). Such a point is supported by Phillips and Hardy (2002) who explain “social reality is produced and made real through discourses, and social interactions cannot be fully understood without reference to the discourses that give them meaning” (p. 3). Fairhurst and Putnam (2004) also emphasise the core role discourses play in shaping our experience of reality, suggesting “discourses order and naturalise the world in particular ways” (p. 8).

This constructive function of discourse means language cannot be understood simply as a “neutral device for imparting meaning” (Bryman, 2008, p. 500). Bound up within language and the underlying discourses are ideologies, norms, and power relationships. Thus, from a social constructionist perspective, communication – and the underlying values, norms, ideologies, and assumptions

embedded within the communication – should be a central focus of social science research. According to Burr (2003), “[t]he way that discourses construct our experience can be examined by ‘deconstructing’ these texts, taking them apart and showing how they work to present us with a particular vision of the world” (p. 18).

From the perspective of CDA researchers, language is a social practice which holds a central role in shaping perceptions of reality via a number of mechanisms; including linguistic choices, inferences, dialogue, silence, and discourse (King, 2013). Deconstructing the language within a piece of communication therefore allows us to recognise the ideological underpinnings of the communication, and thus makes it possible to understand how public perceptions of crime and criminality are shaped by the media. Thus, in order to investigate the ideologies and assumptions embedded in communication, many authors, including Fairclough (1995), King (2012), and MacLure (2003), argue for the use of CDA. As a key proponent of CDA, Fairclough (1992) says that the study of discourses is central to social science research because language is the primary medium of social control and power – particularly in a modern democracy, where constructions of ‘common sense’ have substantial power and political influence. He explains that the shift from the use of explicit to more implicit forms of power and control in modern democracies means ‘common sense’ and largely taken-for-granted discursive practices are central in the construction, maintenance, and reproduction of power relationships (Fairclough, 1992). For Fairclough (1989), it is more effective to “exercise power through the manufacture of consent . . . or at least acquiescence towards it” (p. 4). Wareing (2004) supports this view, suggesting it is “more effective and efficient for a system to control our behaviour

by controlling our perception of reality than it is to control us with force” (p. 11), further stating that “to secure power, it makes sense to persuade everyone else that what you want is also what they want” (p. 38). This view is also emphasised by Talbot, Atkinson and Atkinson (2003) who state “[t]he winning of consent is achieved when the arrangements that suit a dominant group’s own interests have come to be perceived as simply ‘common sense’” (p. 2).

Mass media have a central role in the manufacture of consent through the creation and recreation of notions of ‘common sense’ as they have the ability to reach and influence individual and collective ideologies and beliefs about what is ‘right’, ‘normal’, and ‘acceptable’ (Chomsky, 2012). The role mass media play in maintaining power relationships is well articulated by Downing who explains that the power of the media lies “in their capacity to shape public feeling while appearing only to express it” (as cited in Mesthrie & Deumert, 2000, p. 327). Fairclough (1989) supports this view, and argues that it is a form of power “to constrain *content*: to favour certain interpretations and wordings of events, while excluding others . . . It is a form of hidden power, for the favoured interpretations and wordings are those of the power holders in our society, though they appear to be just those of the newspaper.” (p. 52). In other words, Fairclough and Downing make it clear that the power of the mass media lies in its ability to present a certain construction of reality as natural. Further, they support Chomsky’s (2012) assertion that this construction usually supports the aims or views of the powerful.

The power of mass media to manufacture consent through the construction and maintenance of a particular set of values or ‘common sense’ ideas means its analysis must be central to any attempt to challenge unjust power structures (Chomsky, 2012; Fairclough, 1989). Fairclough (1989), therefore, holds that CDA

provides a means of uncovering and exploring the inevitable power relationships embedded, and largely hidden, within every-day and taken-for-granted communication. Such a view is supported by Teo (2000) who explains “CDA has its roots in *critical linguistics*, which is a branch of discourse analysis that goes beyond the description of discourse to an explanation of *how* and *why* particular discourses are produced” (p. 11).

The aim of CDA is therefore to uncover and explore the ideological and value-laden meaning embedded within an act of communication, and provide an opportunity to critically evaluate and challenge the taken-for-granted assumptions and constructions. In this way, CDA steps beyond a simple description or examination of a text, and asks us to look at the contextual, socio-political, and ideological underpinnings of the text; asking why the text is constructed as it is, what ideologies have influenced its construction, and what might it be seeking to achieve (reinforce or contest) through the linguistic devices, assumptions or constructions it produces (Fairclough, 1995).

It is important to note, however, that discursive texts, including news media, are both constructive of, and constructed by, dominant ideologies and discourses. As Hanvey, Philpot, and Wilson (2011) explain, “[t]he media is part of a wider society. It both shapes and is shaped by that society” (p. 177). Therefore, an analysis of mainstream news media not only provides insight into the dominant discourses embedded within the news makers’ worldviews, but also sheds light on the dominant discourses and ideologies embedded within the community(ies) the media outlets inform (Fairclough, 2005). As Fairclough (2005) asserts, “The relationship between texts and society/culture is to be seen dialectically. Texts are . . . transformative as well as reproductive” (p. 34). In other words, the

constructive and reflective aspects of media discourses allows an analysis of media communication to shed light on the ideologies and discourses imbedded within the community they communicate with, as well as revealing the values and ideologies of the news makers.

Media Analysis

The purpose of the CDA investigation of mainstream media texts is to examine the discourses and ideologies embedded within media reporting on crime, and explore the ways in which these discourses construct criminal offenders; particularly through the use of truth-claims about criminality and appropriate responses to crime. In order to do this, the investigation involves a close analysis of the reporting of recent news stories relating to crime and criminality in Aotearoa/New Zealand.

Selection of News for Analysis

The choice of the sample of news media for the study was determined by the most prominent news sources likely to be available to the men in the *Anglican Action* rehabilitation programme. Further, to limit the sample size for a study of this size, this study focuses primarily on two newspapers – the *New Zealand Herald* and the *Waikato Times*.

The *New Zealand Herald* and the *Waikato Times* have been singled out for analysis in this study because of the size and proximity of their readership. The *New Zealand Herald* has the largest readership of any newspaper in New Zealand (ABC, 2014), and is located in Auckland; thus it has a predominantly upper and central North Island focus and readership. The *Waikato Times* has the largest readership of any Waikato based newspaper, and is widely read in the Hamilton region (ABC, 2014). Therefore, the size and location of these papers makes them

likely to be the two most prominent newspaper-based sources of mainstream media reporting available to the men involved in the *Anglican Action* case study, as well as the community they live within.

In order to get as wide and representative sample of news media reports as possible within the scope of the research project, this study included all newspaper reports, printed in the *New Zealand Herald* or the *Waikato Times* over a one-year period – between 1 August 2012 and 31 July 2013, which include the key words: crime, criminal, or offender. The articles were sourced using a Waikato University Library database search.

Process of Analysis: Three Embedded Dimensions

The process of analysing the news reports drawn on in this component of the study followed the method outlined by Fairclough (1992; 1995; 2003) of paying particular attention to the ideological and discursive underpinnings of the text. According to Fairclough (1995), “[c]ritical discourse analysis of a communication event is the analysis of relationships between three dimensions or facets of that event . . . *text, discourse practise, and sociocultural practice*” (p. 57, *emphasis in original*). In other words, from Fairclough’s perspective, communication events involve three embedded layers – whereby the text sits at the core of the communication, but is situated within the ‘discursive practise’, which is situated within the ‘social practise’ – and therefore require three levels of analysis.

This model of analysis of texts involves a traditional linguistic analysis, including an examination of semantics, vocabulary, grammar, sentence structure, and writing system, as well as an assessment of textual organisation and overall structure (Fairclough, 1995). The analysis is accompanied by a consideration of the discursive practices which surround the text. In order to analyse the discursive

practices, Fairclough (2005) advocates for an ‘intertextual analysis’ (p. 61), which requires looking for elements of discourses within the text. According to Fairclough (1995), at this level of the analysis, “[t]he question one is asking is, what genres and discourses were drawn upon in producing the text, and what traces of them are in the text?” (p. 61). While the linguistic (text level) analysis is largely descriptive, the intertextual analysis is largely interpretive. Thus, the intertextual analysis can draw its evidence from the linguistic features of the text, but requires the researcher to become aware of the (potentially invisible) discourses which may motivate or shape the text. The textual analysis is concerned with what is (physically/verbally) present in the text but the intertextual analysis is more about the abstract elements of the text, and is thus more dependent on the subjective understanding of researchers (Fairclough, 1995).

Outside of this discursive practise level of analysis, Fairclough’s model requires reflection on the sociocultural dimension of the communication event in question. This analysis involves investigating the immediate situational context in which the communication takes place, as well as the wider social and cultural norms or underlying ideologies in which the communication event occurs (Fairclough, 1995).

Limitations

The key limitation of this component of the method is the limited scope of a 90-point thesis project. Ideally, a thorough investigation of the dominant media discourses on crime and criminality in Aotearoa/New Zealand would explore multiple mediums and media outlets. There are numerous media sources which speak to and about and issues relating to crime and criminality, which have a significant impact on the shaping of public discourse. These might include online

and social media outlets, television news, current events shows, crime-based documentaries or dramas series, as well as other crime-focused television series such as *Police Ten 7*.

These different media outlets could potentially provide valuable and differing insights into the construction of the prominent ideologies surrounding this topic. Thus, while the discourses identified in the exploration of news reporting in the two newspapers studied do reflect wider mainstream media discourses, it is important not to conflate the newspaper reporting explored here with media in general as there will likely be important differences between mediums and media outlets.

Ethnographic Case Study

The analysis of media reporting on crime and criminality in Aotearoa/New Zealand was followed by an ethnographic study involving members of a prison rehabilitation programme at *Anglican Action* in Hamilton. The purpose of this component was to obtain a deeper understanding of the implications of dominant discourses about crime and criminality; specifically, how these discourses impact offenders' self-identity and ability to return to crime-free lives within the community. The stories which emerged from this component of the project respond to the second and third research questions outlined in this study.

Case Study

At its most basic, case study research involves a detailed investigation of a specific case (or cases) (Bryman, 2008; Eisenhardt, 1989). According to Stake (1995), case study research is centrally concerned with developing an in-depth study of the complex nature of the specific case in question. Such an explanation

is supported by Eisenhardt (1989) who explains “[t]he case study is a research strategy which focuses on understanding the dynamics present within single settings” (p. 534). As this explanation suggests, almost any setting can constitute a case. According to Bryman (2008), the case(s) which case study research centres around can include a great variety of situations or groups; including communities, schools, workplaces, families, social networks, individuals, or even specific events.

While case study research can be used by researchers from across the research paradigms, the in-depth and exploratory nature of case study research makes it particularly useful for interpretive researchers, and lends itself towards qualitative research methods such as participant observation and qualitative interviews (Bryman, 2008; Eisenhardt, 1989). Further, Eisenhardt (1989) explains case study research is particularly useful in the process of theory development, particularly when investigating areas without a significant amount prior research or where prior research seems inadequate. It is the exploratory nature of case study research that makes it a particularly appropriate method for this study.

Ethnographic Participant Observation

In order to explore the case study of the rehabilitation programme at *Anglican Action*, this research project utilises ethnographic participant observation and engagement. According to Furze, Savy, Brym and Lie (2008), ethnographic participant observation allows the researcher to “achieve a deep and sympathetic understanding” by creating a space where one can both come to experience the world from the research subject’s perspective while also observing the “subjects milieu from and outsider perspective” (p. 35). Furze et al. (2008) further suggest that the value of participant observation lies in our ability to “see more clearly

when we move back and forth between inside and outside . . . [as] insiders are able to experience the world just as their subjects do” while also remaining able to stand apart and analyse the subjects from the perspective of the outsider (p. 36).

This project moves beyond the enquiry-based agenda that underpins standard ethnographic investigations, however, and reflects what Thomas (2003) refers to as ‘*critical ethnography*’. As Thomas (2003) explains, “[c]ritical researchers begin from the premise that all cultural life is in constant tension between control and resistance” (p. 48). Thus, when approaching ethnographic investigations, the critical researcher will often reject or question the ‘common sense’ meaning ascribed to a given incident, looking instead for ‘alternative meanings’ (p. 46) which explore the negotiation of power taking place (Thomas, 2003). As Thomas (2003) explains, unlike conventional ethnography, which “assumes the status quo [and] affirms assumed meanings when alternatives might exist” (p.47), “[c]ritical ethnography takes seemingly mundane events, even repulsive ones, and reproduces them in a way that exposes broader social processes of control, power imbalance, and the symbolic mechanisms that impose one set of preferred meanings or behaviours over others” (p. 48). In other words, the critical researcher acknowledges that any event can hold multiple meanings, depending on our interpretive frame, and therefore, it is essential, as researchers, to step back from our ‘common sense’ assumptions, which are invariably embedded in hegemonic discourses, and become cognisant of the wider, or less apparent, meanings that can be taken from any given situation. Critical ethnography, therefore, “strives to unmask hegemony and address oppressive forces” (Crotty, 1998, p. 12) through the critical exploration of a particular context or case, often

resulting in the production of an ‘oppositional discourse’ and a call for social action (Thomas, 2003, p. 52).

Method

While upholding a critical approach, the ethnographic case study in this research project has a predominantly exploratory function, as it endeavours to investigate a potential relationship between dominant media discourses about crime and criminality and offenders’ sense of identity and their rehabilitation efforts as they spend an extended period immersed within a rehabilitative programme for serious offenders at the end of their sentences.

Specifically, this ethnographic work sought to provide an understanding of offenders’ self-perceptions and identities, their thoughts about media reporting on crime, and how the two interact. The ethnographic framework for this study allowed me as a researcher to build a trusting and meaningful relationship with many of the men involved in the programme, and provided the freedom to explore the themes that emerged as the project evolved; thus enabling the research to explore avenues of interest which may not be identified prior to undertaking the project. This format offers the participants maximum autonomy when discussing the subject, and reduces the chances of me as a researcher to impose my own views or expectations about what the participant might or should view as significant.

Selection of Participants

As indicated earlier, participants included those involved in the GLM programme at *Anglican Action*. This programme has a ‘revolving door’, meaning men join the group after exiting prison and usually leave after 12 weeks. Thus, men continue to come and go from the group at different points. As the project evolved, and I built

a strong and trusting relationship with the men and staff members involved in the programme, other opportunities for engagement emerged outside of the programme parameters – including day outings with the men, informal catch-ups outside of programme hours, involvement in a *Circle of Support and Accountability* for one of the men, and, most significantly, I was able to take a central role in developing a weekly shared meal and conversation with the men – called MSG (Men’s Support Group) – where we shared deeply about our lives, focusing largely on the many challenges men face on their journeys back into the community. All of these opportunities provided avenues to explore the key themes and questions central to this project.

About the Men

Over 40 men have engaged with the GLM programme over the 12 month period I have been a participant and observer. These men are all considered serious offenders by the Department of Corrections, and most have histories of violent and/or sexual offending. As such, they have been referred to *Anglican Action* because they are deemed to be at a high risk of reoffending without appropriate support. The group reflects the ethnic demographic of our wider prison population, with a significant proportion of the group being Māori, and the second largest ethnic group being Pākehā. There is a smaller, but significant, number of Pacific Island men engaged with the programme also. The group includes men with vastly different backgrounds – some having had successful professional careers before going to prison, while others have come from situations of extreme hardship. The group also spans a significant age range, with several men in the programme in their early 20s and others in their late 60s. Although a vast and differing group, the men all shared the common experience of having spent a

significant period (usually 2-10 years) in prison, and during the period of this study were facing the challenges of creating a new life for themselves on the outside – often in an unfamiliar town, and usually without the support of close friends and family.

Ethical Considerations

Because this study involved human subjects it was important to ensure every aspect of the project upheld all appropriate ethical considerations. The study received approval from the Human Research Ethics Committee of the Waikato Management School and adhered to the University's Code of Ethics.

I ensured participants were informed and gave their consent to my observation and engagement with them. This was done through regular verbal explanations as the new men arrived into the programme, supplemented by the distribution of an information sheet and brochure (see Appendix A & B). Consent was also obtained via a consent form (see Appendix C) before interviewing the men or recording any conversations.

Every step has been taken to ensure the privacy of participants. All data has been recorded and stored in such a way that the identities of participants cannot be easily identified. Further, all data has been stored on a password protected computer. Privacy has also been ensured through the use of pseudonyms and the minimum use of demographic details in this thesis.

Risk to participants has also been considered and mitigated to the extent possible. In order to ensure emotional safety for participants, the men were reminded of their choice not to participate or answer any questions, or to withdraw from participation at any time. Further, my ongoing established relationship with many

of the men in the group allowed me to hold open conversations with participants without the risk of feeling pressured, intimidated, or judged. In addition to this, I sought advice from cultural leaders and professionals, and I took steps to ensure I was approaching the project in a culturally appropriate way.

Limitations

Like many ethnographic studies, a core limitation for this project lay in the tension between being positioned in the space between participant and observer. Although I was able to spend a significant length of time within the community of men at *Anglican Action*, my position as someone who has not spent time in prison means I can neither fully understand the men's experiences nor fully belong to their 'offender' sub-group. Thus, in spite of the many meaningful experiences, my position as a non-offender limits my insights into this project to that of an outsider.

4. Media Analysis

Delving into the linguistic and rhetorical devices embedded in communication provides a strong insight into the taken-for-granted or ‘common sense’ understanding of the individuals or communities engaging in the communication. As Lakoff and Johnson (1980) explain, “[s]ince communication is based on the same conceptual system that we use in thinking and acting, language is an important source of evidence for what that system is like” (p. 287). Therefore, by critically examining some of the dominant themes and concepts embedded within the media texts analysed in this study, this chapter excavates and explores the often hidden ideologies and assumptions in dominant media discourses of crime and criminality in Aotearoa/New Zealand.

A Critical Discourse Analysis (CDA) of the corpus of media reports studied identified two key themes – *Otherisation* and *Crime and Punishment*. Otherisation refers to the ways in which people identified as criminal by the media are marginalised through the use of a number of linguistic tools and core assumptions/constructions. This core concept is reinforced and maintained by the second key theme explored in this chapter – Crime and Punishment – which refers to the way the media creates ‘common sense’ ideas about appropriate responses to crime. Taken together, these two themes encapsulate the hegemonic ideas, assumptions, discourses and ideologies surrounding crime and criminality in Aotearoa/New Zealand.

Otherisation

From the CDA it was evident that many of the media reports constantly constructed the offender as an ‘other’, a person outside what is assumed to be the mainstream social framework. According to Holliday, Hyde and Kullman (2004), otherisation means “imagining someone as alien and different to ‘us’ in such a way that they are excluded from ‘our’ ‘normal’, ‘superior’ and civilised group” (p. 3). It describes “the process we undertake in ascribing identity to the Self through the often negative attribution of characteristics to the Other” (Holliday et al., 2004, p. 180). Crucially, this process does not permit ‘the negotiation of identity’, but rather involves identity being crudely attributed to a marginalised group by the power-holders (Holliday et al., 2004; Drewery, 2005). Such a process has a powerful impact on how offenders – as an outsider group – are perceived by the community. The different ways in which offenders are constructed as an ‘other’ include: constructing single dimension identities; depicting criminals as different from ‘us’; stereotyping and constructing a unified criminal identity; racial profiling; using dehumanising language; and disregarding offenders’ privacy, safety, or human rights.

Identity as Criminal: Single Dimension Identities

The most common and overt method of otherisation identified in mainstream media texts was the construction and assertion of a single-dimension criminal identity. This was a reoccurring linguistic device which was apparent and widespread across media outlets, seen in the use of one-word definitions which seek to encompass and explain a person’s whole identity in uni-dimensional terms as if there were no other aspects of his or her identity, other than what was portrayed. For example, newspaper reports make much of the ‘*gang-member*’

identities of those who are subjected to illegal police raids, only to justify the police action in a *New Zealand Herald* report which reads: “Police members who crossed a legal line to pursue gang members....” and follows up by saying: “Charges against 21 gang members were tossed out...” (Fisher, 2012a). In this story, the reporter draws on an established cultural understanding of ‘gang members’ to explain and establish the identities of the people subject to the illegal police action. This has the powerful effect of limiting the construction of the people involved in the story to culturally available constructions of what a gang member looks and acts like. In doing so, the reporter dehumanises the people who have been victim of the illegal police work and draws on a public discourse of blame which suggests they are not entitled to the same level of protection under the law because of their gang member identities.

The construction of single-dimensional identities is also evident in the *New Zealand Herald*’s report on a prison assault which is titled “Killer linked to new assault” (Leask, 2012a). This reference to someone as a ‘killer’ is powerful in that it establishes this person’s criminal history as the central, and potentially only, aspect of identity. It de-personifies the person behind the title; instead establishing the idea that they are no more than a *killer*. Such a description undermines our ability to get a sense of their humanity and the multiplicity of their identity. Further, the headline seeks to contextualise their new offending within an assumedly unrelated historical context in order to construct the image of a violent and uncontrollable being.

This establishment of one-dimensional criminal identities is ubiquitous. The *New Zealand Herald*, has repeatedly run headlines such as: “*Thieves* prey on patients and staff at hospitals” (Akoorie, 2012), “Judiciary dancing to tune of *offenders*”

(Thomas, 2012), “Sex *offenders* in classrooms” (Gay & Shuttleworth, 2012), “*Prisoners* will have to earn chance at parole” (Davison, 2012a), “62-year-old describes *rapist*” (Campbell, 2013), “Victim’s family check on *killer*” (Laxon, 2013), “*Kidnapper* loses bid for licence” (Gibson, 2013), “Convicted *killer*...” (Taylor, 2013), “Justice at last for the service station *killer*” (Morton, 2013), “*Rapist* and *murderer* gets life” (Marks, 2013; emphasis added to all). Such headlines effectively establish the one-dimensional identity used to otherise people convicted of offences.

This device is also employed in the *Waikato Times* where reporters use labelling phrases such as: “... intolerable *trouble-makers*...” & “...pandering to *delinquents*...” (“Meeting a Tough Challenge”, 2012), “*Beast* released” (Mussen, 2012), “A *paedophile* released after eight years in prison...” (O'Brien, 2012), “Law to stamp on *paedophiles*...” (Vance, 2012a), “‘Callous’ *killer* could be out by Christmas” (even though this person – Ewan Macdonald – was never convicted of murder) (Ellingham, & Forbes, 2012), “...the bill aims to deal with a few especially repugnant *criminals*...” (“Pre-Crime Jailing”, 2012), “A Waikato-based enquiry has been launched to find victims of a *serial-paedophile priest*...” (Bone, 2012), “To survive the daily grind of dealing with the seedy, unsavoury *villains* of society...” (Bowen, 2012), “A *paedophile* has admitted a raft of horrific offences...” (Sharpe, 2013), “*Sex offender’s* wife on home detention” (Leaman, 2013a), “*Sex offender* preyed on girls” (Leaman, 2013b), “Jail for *thief* who preyed on elderly” (Francis, 2013), “‘Vile’ *sex abuser* gets preventative detention” (Leaman, 2013c), “Teen *burglars* target ‘wrong house’” (Pearl, 2013), “*Thieves* as young as 13...” (Twentyman, 2013; emphasis added to all). From this sample of headlines and leads we can see that journalists employ descriptive

nouns in order to construct a particular image of an individual. This repeated use of one-dimensional criminalised descriptions of the people involved in the offending is a powerful tool which seeks to undermine our perception of their humanity and the multiplicity of their identities.

Although these examples may seem like legitimate headlines and descriptive phrases, the use of one-dimensional labels robs the media consumer of the ability to engage more fully with the reality of the news event. It distils an entire person into one construct, instead of locating the individual within their wider social and interpersonal framework. When we engage with these one-dimensional identities we are deprived of an opportunity to explore the deeper realities of the person's life or see the truth of their experiences. Instead we are presented with a shallow and artificially simple view of the world, which seeks to reduce crime to a conflict between 'good people' and 'bad people' (Strang, 2002). We don't get to see the family relationships, the complex histories, or the human needs, desires and challenges of the people behind the labels.

There are, however, some encouraging examples of this one-dimensional construction being challenged; although rare. For example, in one *Herald* article entitled "Youth crime sinks to record lows" there is brief exploration of some of the poignant aspects of youth offenders' identities (Davison, 2013). Rather than continue to simplify this identity to merely bad/violent/delinquent, the article seeks to explore some of the common and reoccurring themes such as poverty, transient and unstable family life, and issues with drug use and mental health. This discussion is an important contrast to the otherwise narrow depictions of offenders as it invites the reader to look at some of the wider drivers of crime, and challenges a simplified blame-focused response.

'Criminals' as different from 'Us'

Another important tool used in the construction of the otherisation of offenders was the establishment of the idea that offenders and criminals exist in a separate social group, outside of our community. This construction suggests an almost tangible distinction between an in-group in the community, which is above crime and doesn't engage in criminal activity, and a criminal out-group. As Hanvey et al. (2011) put it, media coverage often creates "a view of the 'otherness' of the offender, that he and his offences are elsewhere, and that what he does happens to other people" (p. 178). This particular labelling tool complements the uni-dimensional device discussed previously as it constructs the idea that one's offending not only defines one's whole identity but relegates one to an external community of offenders who are collectively defined and marginalised by their offender identity; it links 'them' to a removed community of offenders who think, act, behave, and live differently and separately from 'us' (Hanvey et al., 2011).

There are numerous examples of how an out-group community of 'criminals' or 'offenders' are constructed in the media texts studied. In fact, almost all discussion of methods for managing crime employed such a tool, with little analysis of the plurality of identities and communities involved in and affected by crime. For example, in one article in the *New Zealand Herald*, Superintendent Mike Clement explains "Criminals are drawn to the same places..." ("Burglars Exacting Heavy Toll", 2012). Similarly, the *Waikato Times* honours a police officer by suggesting in the opening line that police spend their days "dealing with the seedy, unsavoury villains of society" (Bowen, 2012). Both of these articles highlight how public discourse on crime prevention tends to cultivate out-group

imagery by developing an idea of a collective community of criminalised others which share ways of thinking and being.

The construction of offenders as distinctly outside of the mainstream in-group identity is also shown in the negotiation of in-group spaces. One article in the *Herald* makes this construction overly clear in its headline: “Thieves prey on patients and staff at hospitals: Brazen ‘stairdancers’ who pretend they are visitors make off with personal items” (Akoorie, 2012). This language cultivates the idea that the criminalised out-group will try to infiltrate the victim-riddled in-group under the false pretence of being an in-group member, with the intention of committing further crimes against in-group members. This construction is established through the development of a narrative which sees ‘criminals’ as entering hospitals – pretending to be visitors – with the intention of committing crimes. This particular framing of the situation is well exemplified by the quote from the hospital security manager, Dean Rea, when he states: “Just the sheer scale allows the criminal element to blend in easily”. The construction of out-group members and activities infiltrating in-group spaces, like hospitals, clearly has news value as it incites indignation within the supposed in-group. Further, the out-group ‘criminals’ are portrayed as calculating; when in-fact there is an admission that crime events are usually “opportunistic” (Akoorie, 2012). Importantly, there is no evidence to suggest the opportunistic offending is not committed by legitimate visitors and patients (i.e. in-group members).

The construction of a criminalised out-group can also be seen in the pluralisation of the one-dimensional terms discussed in the previous section, where the reporter not only establishes the concept of a one-dimensional criminal identity, but also constructs the idea of one-dimensional criminalised communities. For example, in

the *Waikato Times*, one reporter states “*Thieves* as young as 13 taking advantage of poor home security...” (Twentyman, 2013; emphasis added). This language not only limits the identities of those involved in the theft to their crimes, but also places them together in an out-group community which is different from the rest of ‘us’. Again, in the *Waikato Times*, we see this language of otherisation being employed when the reporter writes:

On one hand, we hear the voices of the public saying we want to be safe on the road and we don't want to be struck by police, but we also hear, very loudly, the voices of the public saying we don't want to give the streets up to *these people* either. We don't want our streets populated by dangerous and reckless and drunken drivers who can do so with impunity (Cowlshaw, 2013a; emphasis added).

The use of the phrase ‘these people’ is particularly powerful as it seeks to speak to a unified in-group about a unified out-group *other*.

The construction of this offender out-group identity is also evident in an article by the *Waikato Times* which quotes Corrections Minister, Anne Tolley saying:

“The whole thing is around deterrent. Catching people before they do any harm. Some of *these people* who are out on bail, they go out and get drunk and bash someone else up. If they get caught, they could go back to prison.” (Watkins, 2013; emphasis added).

Again, we see the use of the phrase ‘*these people*’. This is clearly used to highlight a ‘them-and-us’ construction that is held and espoused from the highest levels of Government. This quote suggests the Minister is not talking to a broad and diverse national community of people – some of whom are involved in the

justice system at different times. Rather she is speaking to a unified, in-group, community of people within the national population *about* these *others* who have involvement in the criminal justice system. She does not see the two groups as being in any way integrated; criminals are an out-group to be spoken about, not to or with. Further, we see in these comments that the Minister is locating the problem, and thus the responsibility and blame, with the individual outsiders and therefore apart from the in-group community or social contexts we as a community could hold some responsibility for (i.e. alcohol availability, isolation, or lack of community support).

While the construction of a criminalised out-group was pervasive, reporting sometimes went even further than making this implicit construction through the lumping together of people under the category of ‘offenders’ or ‘criminals’ to activity constructing ideas about what such a group looks like. For example, one article in the *Waikato Times*, which looked at the role of schools in keeping young people out of trouble, states “the troubled students who concern Judge Becroft are intolerable trouble-makers for teachers and fellow students”. Further, the article goes on to state that the:

need to protect teachers and students – and ensure against the law of the jungle taking over – should outweigh the rehabilitation in schools of wayward students. Like it or not, this can’t be done by pandering to delinquents, regardless of their age. (“Meeting a Tough Challenge”, 2012)

Here the reporter not only seeks to construct a concept of ‘trouble-makers’ being a unified out-group who are separate and outside of the normal in-group students, but goes further to emphasise the burden and disruption this out-group places on the in-group students. Importantly, these in-group children are likely to be

understood as the children of the in-group community the reporter is speaking to. In other words, it can be inferred from the reporter's construction of the situation that they see the out-group 'delinquents' as external to the community the *Waikato Times* is speaking to.

A similar tool is employed in another *Waikato Times* article entitled "Law to stamp on paedophiles who use social media to target children" by Andrea Vance (2012a). In this article Vance quotes the Minister of Justice, Judith Collins saying "These people are predators, they're after our kids and we need to stop them" (Vance, 2012a). Once again, we see the phrase 'these people' being used to construct an out-group identity which place people outside of our community, and apart from 'us'. Further, we see the author building on this construction by drawing on the Minister's suggestion "they're after our kids". This language clearly builds on the 'them-and-us' construction, suggesting that they (the out-group 'paedophiles') are after 'our kids' (the in-group community). As Hanvey et al. (2011) explain, "[t]he media presents the ever-threatening, omnipresent 'perve', 'monster', 'beast' and 'peado' and his offending with the implication that no child is safe" (p. 167). This construction is powerful, although completely unfounded and deceptive when we consider that most sexual assaults are committed by people well known to victims (Fanslow, Robinson, Crengle, & Perese, 2007; Hanvey et al., 2011). Thus, we see how the collusion between media and politicians is used to develop and legitimise unhelpful truth-claims about an offender out-group.

Another poignant example of this out-group construction is seen in the *Herald* when one columnist constructs an image of a criminal out-group, stating "Attacks on tourists in the South Island are fewer, but occur regularly,

the offenders invariably being tattooed trash who abound in the South” (Jones, 2013). This imagery is clearly suggesting crimes are committed by people who look, and belong, well outside of what we feel to be the ‘normal’ in-group.

The potency of this discourse of the *other* is again emphasised in a *Waikato Times* article titled “Worst crims out in only 11 years” (Leaman, 2013d). In this article the reporter employs a quote from a father of a murder victim, where he says:

“It's for the worst of the worst, and yet we seem happy to have 22 of them back in the community. . . . Someone could argue releasing 22 offenders was OK, but would you want them living in your street?” (Leaman, 2013d).

Here we see the term *offenders* being employed to construct the one-dimensional out-group, as previously discussed. The construction is further emphasised by the quote: “*would you want them living in your street?*” which suggests these ‘offenders’ should be kept well away from the in-group as they do not belong within our community. Further, this question seeks to incite fear that the ‘offenders’ may infiltrate the in-group, and seek to live amongst ‘us’ – something that would only be a problem if we saw ‘them’ as fundamentally different and not belonging within our community.

Stereotyping and the Unified Offender Identity

The idea that ‘they’ don’t belong in ‘our’ community is further established by the use of stereotypes which construct and draw on ideas about offenders’ identities, behaviours and attributes in the minds of the rest of the community. In exploring the concept of stereotyping, Bowe and Martin (2007) draw on the work of Tajfel (1982), which asserts that people often categorise themselves positively and at the

centre of normalcy (i.e. the in-group) while negatively categorising others (i.e. the out group). Bowe and Martin further develop this concept by drawing on the work of Hogg and Abrams (1988), suggesting “in-group members impose their dominant value system and ideology on the out-group to advantage themselves and legitimise the status quo” (Bowe & Martin, 2007, p. 87). Such a view is supported by van Dijk (1987) who, in a discussion about ethnic stereotyping, suggests “[d]ominant group members regularly engage in conversations about ethnic minority groups in society, and thus persuasively communicate their attitudes to other in-group members” (p. 111). Stereotyping has a central role in otherising out-groups and legitimising the power-relationships which continue to marginalise certain groups. As Bowe and Martin (2007) explain, “[s]uch stereotypes perpetuate the differences between the culturally, socially, politically, historically and economically dominant in-group and the subordinate out-group” (p. 88).

The use of stereotypes is closely linked to the construction of a unified criminal out-group, as reporters often employ stereotypes in the process of depicting the out-group. This close relationship between stereotyping and the construction of a unified criminal out-group identity was clearly identifiable in the analysis. For example, the *Herald* column mentioned in the previous section describes “the offenders” as “tattooed trash who abound in the South”. The use of this stereotype cultivates an image of the other as being quite different from ‘us’ – and therefore enables the easy projection of blame. In another *NZ Herald* article, columnist and former politician, Deborah Coddington openly advocates for a sex offenders’ register. She presents a stereotypical construction of a sex offender when she states: “People have learned that sex offenders are manipulative,

secretive, dangerous, and the legacy of their crimes is horrible” (Coddington, 2012). We see here the construction of a unified sex-offender community which has a certain set of characteristics – such as being manipulative and secretive. Like the previously discussed construction of one-dimensional and unified criminal identities, this use of stereotyping has the powerful effect of limiting our ability to fully see the humanity of those involved in crime, and contributes to a narrow construction of the *other* – which is central to the legitimisation of the reactionary and retribution-focused responses to crime pervasive in public policy and discourse. Such a point is emphasised by Scollon, Scollon and Jones (2012) who explain that the problem with stereotypes is “they limit our view of human activity to just one or two salient dimensions and consider those the whole picture” (p. 272).

Dehumanising Language

Any move to limit our understanding of the ‘other’ should be seen as destructive; however this is particularly problematic when the salient dimensions emphasised in stereotypes serve to overtly dehumanise the marginalised sub-group. Such phenomena was apparent, however, with dehumanising language and animalistic metaphors identified as another powerful linguistic tool used in many of the news articles in this study. For example, reporters employ words such as “beast”, “predator”, and “prey” – particularly when talking about people guilty of sex offences – to further the construction of a one-dimensional ‘other’ and enhance the image of a being void of humanity. The starkest example of this arose in the media frenzy that surrounded the release of Stewart Murray Wilson. Wilson was unashamedly labelled ‘*The Beast of Blenheim*’ by mainstream media reporters, including reporters for the *Waikato Times* and *New Zealand Herald*. One article in

the *Waikato Times*, for example, was entitled “‘Beast of Blenheim’ to live near Whanganui”, and began with the first line reading “The man known as the Beast of Blenheim ...” The article further included a photo captioned “Beast released” (Mussen, 2012). Another article in the *Waikato Times* opened with the line: “A new law targeting “high-risk” sex and violent offenders could be used to send the Beast of Blenheim back to jail” (Vance, 2012b). Even when discussing an intimate family dynamic, the *Waikato Times* actively dehumanised Stuart Murray Wilson by beginning another article with the line: “The beast reveals the last time he saw his daughter and his desire to see her again” (Ensor, 2012). It is interesting that the label ‘*Beast of Blenheim*’ became worthy of capitalisation, reinforcing the idea that this was not just a description of a person, but actually took on the role of a name when talking about Wilson. This is seen in the text of the same article which states that “the man dubbed The Beast of Blenheim has revealed....” The use of a capitalised label is again seen in the photo caption, which reads: “Recreation: Beast of Blenheim Stewart Murray Wilson fishing at the Whanganui River mouth yesterday morning” (Ensor, 2012).

The overt dehumanising labelling of one man was not limited to newspaper commentaries. Over the same period television news was also guilty of employing animalistic language in the construction of Wilson as a monster. A quick search for the phrase “Beast of Blenheim” on the TVNZ ONE News website reveals 55 news articles referencing the label – 41 of which were aired in the month of August 2012 as Stewart Murray Wilson was going through the process of moving outside of prison walls (thus, averaging more than one news article a day for an entire month). These news and current affairs clips included titles such as “The beast next door”, “Standing up to The Beast”, and “Growing Anger over beast’s

release”. This extraordinary amount of content exploiting the ‘beast’ metaphor, within such a short time frame, gives a sense of how pervasive and overt dehumanising labelling is within mainstream media – particularly when high-profile sex offenders are the focus.

The use of dehumanising and animalistic metaphors is not limited to Stewart Murray Wilson, however. There are numerous examples of such language being used repeatedly. For example, in one article published in the *Waikato Times* Justice Minister Judith Collins defended new criminal legislation aimed at further punishing people convicted of sex offences by saying “These people are *predators....*” (Vance, 2012a). Such emotive language is seen again in the headline of another *Waikato Times* article which reads “Sex offender *preyed* on girls” (Leaman, 2013b). Yet again, in a *Waikato Times* article a celebrated police officer, Senior Sergeant Peter van de Wetering, describes one person as a “*predatory* criminal” (Bowen, 2012). The *New Zealand Herald* also employs strong animalistic language when talking about offenders. This is shown, for example, in an article by Paul Thomas (2012) which argues the judicial system is too soft on offenders and suggests that offenders “*prey* on vulnerable human beings . . . evincing a total disregard for law, decency and morality.” Thomas (2012) goes on to suggest “a society which cannot muster the gumption to protect itself against known *predators* risks sliding into decadence.” This language is again employed in a *New Zealand Herald* article which quotes the police national crime prevention manager Superintendent Bruce Bird as saying the elderly were targeted because they were “particularly vulnerable” and further suggesting “It’s a sad part of the world, unscrupulous people out there *preying* on them” (Leask, 2013). Similarly, predatorial language is employed in the *Waikato Times* article

entitled “Jail for thief who *preyed* on elderly” (Francis, 2013), and a *New Zealand Herald* article entitled “Thieves *prey* on patients and staff at hospitals: Brazen ‘stairdancers’ who pretend they are visitors make off with personal items” (Akoorie, 2012). One *Herald* article also makes references to the New Zealand television series, presented by clinical psychologist Nigel Latta, which is entitled ‘*Beyond the Dark Lands: Unveiling the Predators Among Us*’ (Hogg, 2012) – thus emphasising the prevalence of this animalistic metaphor in New Zealand media and public discourse.

The use of animalistic metaphors has a strong semiotic impact on the way the reader understands and relates to a story and is central to the creation of a particular understanding of who they are. According to Lakoff and Johnson (1981):

Metaphor is pervasive in everyday life, not just in language but in thought and action. Our ordinary conceptual system, in terms of which we both think and act, is fundamentally metaphorical in nature. . . . Our conceptual system thus plays a central role in defining our everyday realities. (p. 287)

Therefore, the language of ‘predatory beings’, who prey on the vulnerable, is a powerful linguistic tool which paints a very potent image of a dangerous and unstoppable creature. This construction is significant in sustaining the otherisation of offenders by reinforcing the discursive frame which positions those convicted of offences as different from ‘us’, and therefore belonging to the community of one-dimensional others discussed previously. Further, however, such constructions have the powerful effect of suggesting their behaviour is somehow innate and instinctual, and therefore unimaginably dangerous. The imagery of a predator likens an offender to a dangerous creature, always lurking and looking

out for vulnerable people who might become their next victim. As well as developing a discursive frame which positions their offending behaviour at the centre of their identity – part of who they are, and therefore unable to be negotiated with or reformed – this framing of an offender removes any need or desire for understanding, and highlights the need for protection of the in-group at any cost.

Racist Discourses

Racist discourses also play a key role in the process of otherisation when looking at the construction of a criminal identity in Aotearoa/New Zealand. The critical discourse analysis of the news texts showed that ideas of race are constantly broached in subtle ways when discussing crime. The otherisation is amplified when the subject of the marginalising discourse is not only ostracised because of their perceived belonging to an ‘otherised’ criminal class, but also to a subordinate ethnic group/identity. The analysis revealed an intersection between race and criminality, whereby media discourses often sought to highlight the ethnicity of a marginalised group involved in crime, thus entrenching ideas about the criminality of certain ethnicities, as well as the ethnicity of criminalised communities. This was seen, for example, in one *Waikato Times* article entitled “Māori crime ‘fact of life’” which begins with the statement “A respected academic is blaming Māori for high rates of violent crime . . .” The article later quotes the academic – Prof. Newbold – saying “there was a “direct association” between Māori and violent offending” (Leaman, 2013f).

According to Wetherell and Potter (1992), “[r]acist discourse . . . should be seen as discourse (of whatever content) which has the effect of establishing, sustaining and reinforcing oppressive power relations between those defined, in the New

Zealand case, as Māori and those defined as Pākehā” (p. 70). Central to this definition of racism is the understanding that racism is linked to structural power and privilege. Therefore, racism (unlike prejudice) specifically speaks to language and action that seeks to reinforce and legitimise existing privilege by asserting the dominance of the dominant ethnic group (i.e. those defined as Pākehā) over marginalised out-groups (including those defined as Māori and other non-Pākehā identities). This is clearly established in the example above, whereby the journalist draws on the comments of an academic to establish truth-claims about Māori as being inherently violent and criminal.

The media engages in a process, as Wetherell and Potter (1992) explain, which allows ‘common sense’ claims about race and ethnicity to “become communicated as ‘fact’ and empowered as ‘truth’” (p. 59). However, the establishment of racist ideas must be carefully and subtly done. According to van Dijk (2000), “[t]he New Racism (Barker, 1981) wants to be democratic and respectable, and hence first off denies that is racism” (pp. 34). van Dijk (2000) goes on to explain that new racist discourses are covert in their otherisation, but still seek to highlight ‘deficiencies’ amongst the subordinate group: “‘Pathologies’ that need to be corrected” (p. 34). The subtle nature of the new racism makes it less visible in a media analysis – however, this is not to say it is not present.

The addition of unnecessary racial adjectives is one of the more powerful and common ways racist discourses infiltrate mainstream media and perpetuate racist and otherising ideas without being seen as racist. One article in the *Waikato Times* entitled “Waikato-Tainui pledges action to turn tide on Māori crime” makes this link overtly clear in the opening line which reads: “Too many Māori are committing crimes. . .” and goes on to explore the need for action to address the

problem of Māori offending, citing an overnight driving incident involving “two young Māori women” as evidence of the need for action (Yates, 2012). Although reporting on a seemingly positive and pro-active initiative, this article exemplifies the media’s tendency to highlight ethnic categories when discussing issues that belong to a whole society.

This phenomenon was not limited to one article, however. The CDA revealed Māori and Pacific identities tend to be highlighted when reporting on crime, while Pākehā identities often go unacknowledged. Teo (2000) refers to this phenomenon as over-lexicalisation, and explains “over-lexicalization often has a pejorative effect as it signals a kind of deviation from social convention or expectation and reflects perceptions and judgements from the essentially biased standpoint of such cultural norms or social expectations” (pp. 20-21). Moreover, the marginalising effect of over-lexicalisation is heightened as it is most often found in instances which reflect poorly on the marginalised ethnicity. For example, offenders are often identified as Māori, while few are identified as Pākehā. However, the same pattern is not evident in reporting on victims – victims are seldom defined as Māori.

Further, there is a high level of racial profiling – i.e. assumptions about ethnic identity – employed by reporters. Current thinking on ethnicity rejects the idea that it can be ascribed by others or used as a descriptive category as ethnicity is actually considered to be linked with identity rather than the physical traits much racial profiling is based on. Even Statistics New Zealand (2014) defines ethnicity as the “ethnic group or groups that people identify with or feel they belong to. Ethnicity is a measure of cultural affiliation . . . Ethnicity is self-perceived”. As Jacquard (1996) explains, “[t]oday it is an undeniable fact that for geneticists and

biologists that the concept of “race” . . . has nothing to do with biological reality” (as cited in Reisigl & Wodak, 2001, p. 2). Therefore, how can news reports possibly define someone’s identity without their input? And what are news reporters really saying when they constantly attribute/assume ethnicity and define ‘offenders’ ethnic identity – particularly when the label suggests non-Pākehā?

Crime and Punishment

The dehumanising otherisation of offenders, through the use of numerous linguistic and discursive tools – including those discussed in the previous section – is centrally linked to the naturalisation of a punishing and punitive culture which prioritises retributive justice and sustains the current incarceration-based policy framework. Thus, it is unsurprising that the CDA of mainstream media reporting revealed that a strong *crime-and-punishment discourse*, which involves the constant legitimatisation of a prison-based ‘tough-on-crime’ response to offending, was deeply embedded in the ‘common sense’ assertions and discursive constructions pervasive in the media reports investigated in this project.

The construction of retributive justice as ‘common sense’ is seen throughout the media reporting studied whereby journalists construct and perpetuate assumptions that retributive, punishment-focused, responses to crime are the natural, and potentially only, response. This construction of a common sense idea is cultivated with the support of a number of key linguistic tools, including the constant legitimisation of tough-on-crime calls from ‘victims rights’ groups, the naturalisation of the underlying assumptions on which tough law and order policy is based, the construction of an offender-victim duality, the manufacturing of moral panic, as well as through reporting which suggests there is a universal

public expectation that offenders will receive significant prison-based punishments for their offences.

Capitalising on Victims' Emotions

The use of victim's voices is one tool used to cultivate and perpetuate the discourse of crime and punishment. Such a tool is powerful in establishing the legitimacy of a punishing culture, and can be clearly seen in the *New Zealand Herald* article entitled "Make Macdonald pay in full: widow" (Leask, 2012b). This article reports on a letter sent by Scott Guy's widow, Kylee Guy, to Attorney-General Chris Finlayson asking him to "ensure Ewen Macdonald is given a sentence that reflects the gravity of his offending when he appears in court". The article reports that Kylee is "pleading for "justice" for the man who inflicted ongoing suffering and fear on her family". The article goes on to report Mrs Guy saying "I need a sentence that reflects appropriate justice" and further states that "she wants to stand up for "Scotty" and Macdonald's other victims and make sure the suffering and distress he caused them is acknowledged and reflected in the sentence he is given" (Leask, 2012b). From this example we can see how journalists draw on the anger and distress of victims in the process of legitimising a tough-on-crime stance. Further, we can see that the term 'justice' is being captured and framed in a way that reflects a commitment to retribution. This capturing and re-framing of a crucial term in the debate has the important effect of reframing the parameters of the debate around retribution and justice according to the victim.

The legitimisation of retributive justice is further supported in this article by quoting a spokesperson for the 'Sensible Sentencing Trust' (SST), Ruth Money. In this article Money argues Macdonald should not be able to serve concurrent

sentences as this would “reinforce to other offenders that they got “free hits” after the first event” (Leask, 2012b). By drawing on the voices of both Kylee Guy, as the victim, and Ruth Money, as the victim support lobbyist, the article is able to affirm the core principles that uphold the retributive-justice focused values and assumptions embedded in mainstream media discourse. Thus, this article illustrates how mainstream media reporters accept and draw on ‘victims’ voices to perpetuate the assumption that doing “justice” involves exacting revenge or righting a wrong through retribution. This framing of the conversation overlooks the reparative and corrective role of the justice system, and cultivates an assumption that the Courts’ primary role is not to protect the public and restore dysfunction, but to seek revenge.

The framing of the debate around the victims’ need for retribution is further legitimised by the use of unsupported assumptions about corrections policy. This is seen clearly in the same article when Ruth Money supports her framing of the role of the justice system by making the further postulation that prison sentences have a core role in deterring crime. This sentiment is also echoed by Garth McVicar of the SST in another *Herald* article, where he suggested Macdonald’s sentence sent “all the wrong messages” (Koubaridis, 2012). This ‘deterrent’ argument, although unsupported by evidence (as discussed in the literature review), often accompanies the use of victims voices, and is another aspect of this careful framing of the issue which is central to the perpetuation of the retributive and tough-on-crime discourses cultivated by mainstream media which seek to legitimise a punishing culture in response to crime (This linguistic tool is discussed further in the next section).

The use of victim's voices to present and legitimise punitive assumptions about crime and justice are not limited to the SST however. While journalists, in an attempt to remain objective and impartial, are often reluctant to express strong sentiments about the appropriate response to crime, it is clear that the use of victim's voices is a common linguistic tool many have employed to support the tough-on-crime stance throughout the news articles of interest to the study. For example, in a *Herald* article about an alleged assault of a prison officer the *Herald* reporter writes:

Mrs Palmer wants harsher penalties brought in for inmates who commit violent crimes in prison. She said anyone who assaulted a prison officer should be treated the same as they would if they assaulted a policeman on the street. (Leask, 2012a)

And goes on to quote Mrs Palmer saying:

"It is exactly the same thing. I would like to see all assaults on prison officers put through the courts, so the offender is charged and punished. I would like to see them get more time added to their sentence because of it too." (Leask, 2012a)

Just as in the article giving voice to Kylie Guy above, the journalist has drawn on emotive quotes from a victim to present and legitimise a tough-on-crime response. Again, we can see the use of a victim's outrage being used to reinforce the legitimacy of a punitive culture. Further, by drawing on the voices of victims, the reporter is able to present 'common sense' assertions without engaging with the facts or wider implications of such a response; the speaker's position as 'victim' gives them an unquestionable legitimacy that places them above such a debate.

The use of victim's voices to legitimise a retributive discourse is also apparent in the *Waikato Times*. For example, one article published in the *Times* leads with the sentence: "The parents of slain teenager Christie Marceau say they plan to continue with their crusade to hold judges accountable and to tighten bail laws after her killer's "insufficient" sentence" (Johnston, 2012). Once again, in this story the reporter is drawing on the emotional distress of the victims parents in order to create a sense of injustice about the Courts decisions. Further, as in the previous example, the journalist uses quotes from the victim's parents to make subjective assertions appear fact. This is seen clearly in the use of the phrase "insufficient sentence". Moreover, the phrase "hold judges accountable" has the powerful effect of positioning the victim's parents as the gatekeepers of common sense and rationality, while positioning the judges as people who might be seen as out of touch with the public and inclined to be too soft on criminals if not monitored closely. The choice of the word 'accountable' is crucial here as it suggests the Court system is being somewhat deceptive in its decision making process – thus further positioning 'common sense' and ideas about public sentiment alongside the 'victim's' views (Johnston, 2012).

This construction is built on by the SST in a *Herald* article entitled "Families just want justice" ("Families Just Want Justice", 2013). In this article the SST persists to draw on their legitimacy as a victim's rights support group in order to perpetuate their retributive agenda, without any attempt made by the journalist to contest their assumptions or provide a balanced report. The article begins with the journalist stating "The Sensible Sentencing Trust says it will have achieved its aims when victims of crimes control sentencing – an objective it says is in tune with the general public of New Zealand." Further, the article goes on to quote

Trust founder Garth McVicar saying “We have a long way to go before we have a balanced justice system. When we have a balance we will have reached a stage where we can define what enough is and that will be victim's satisfaction.” The article later states:

Mr McVicar said the families the trust represented had lost faith in the justice system. “They think the system has been designed to torment them. Those families are going to be put in a predicament where the only call they have is the death penalty.”

“It's not what they want at all. They want justice. But if they can't get justice . . . the soundbite the media will pick up on is ‘let's have the death penalty’.”

He characterised the trust as a moderate player and said there had been talk about a splinter group forming to take a hard line on some issues.

He said the discussions tapped into the same frustration which would see calls for the death penalty grow unless the justice system became “open and honest.” (“Families Just Want Justice”, 2013)

In this article it is clear that the reporter has drawn on the SST in order to construct and reinforce common sense ideas about getting tough on crime. The reporter seeks to assert the legitimacy of the retributive ambitions of the SST by firstly framing them as a victims support group, as well as seeking to establish that their views are aligned with common sense ideas held by ‘the general public of New Zealand’. Crucially, the reporter is able to overlook the contestable nature of the assertions being presented by drawing on quotes from the SST – thus enabling the reporter to bypass the journalistic obligations of impartiality. Further,

the report seeks to portray the SST as moderate and reasonable by highlighting the death penalty as a feasible policy option – however one that they don't endorse because they are too moderate and considered for such emotive policy responses; thus seeking to frame the SST perspective as being reasonable and aligned with middle New Zealand.

Victims' voices are not the only ones used to perpetuate the tough-on-crime discourses embedded in mainstream media reporting, however. On the same day as the *Herald* ran the story quoting Kylie Guy mentioned previously, it also ran a story entitled "Judge's rulings surprise criminals: Offenders spared prison by Judge Raoul Neave question whether he should have been tougher" (Fisher, 2012b). In this article the reporter takes the unusual position of giving voice to offenders; however, the purpose of such a voice is only to assert the 'common sense' of retributive policies. This is shown when the reporter states "A persistent criminal with a long record says he walked out of court laughing after a judge gave him a light sentence for arson", and goes on to say "a killer drink-driver who dodged prison now questions whether justice was served – or if the same judge should have put him inside." The reporter then seeks to emphasise the legitimacy these voices give to a tough-on-crime discourse, saying: "It is not uncommon for victims of crime to complain there is no justice in the courts. But with Judge Raoul Neave, even the criminals he keeps out of prison question whether he should be tougher." Here we see, yet again, that the news media draws on carefully selected quotes to legitimise a particular framing of the justice system and emphasise the legitimacy of a tough-on-crime public discourse.

Establishing Retributive Assumptions

A central aspect of the legitimisation of a tough-on-crime discourse is the assertion of a number of key assumptions underpinning ideas about the role of punishment in Corrections. It is unsurprising, therefore, that retributive assumptions are ubiquitous within media reporting on crime. Consequently, there are numerous examples of media reports affirming and perpetuating these assumptions throughout the media of interest to this study. For example, a *Herald* article praising Judith Collins' Ministership of the Corrections portfolio states: "She took on the most serious criminals in New Zealand, passing the "three strikes" law to deprive them of parole. She is Parliament's self-proclaimed Great Deterrent" (Trevett, 2012). This phrasing clearly reinforces the legitimacy of the 'common sense' claim that retributive policies have a core deterrence role in reducing crime. This framing is reinforced by a quote from Collins stating:

"What I am is a lawyer with 20 years' experience before I came to this place and I do know that deterrence works. That is something that has not been part of the justice sector language for many years. Frankly, I think I've brought that back in." (Trevett, 2012)

Here we see Collins, and the reporter, drawing on her authority as a lawyer and a Minister to legitimise a highly contestable assertion about the effectiveness of deterrence-based policy and the validity of retributive justice. This could be understood as one example of what Hanvey et al. (2011) refer to as "politicians' collusion with irresponsible media coverage" (p. 174), whereby the politicians offer reckless media narratives 'validity' through their participation with such discourses.

Judith Collins' retributive focus is also drawn on in an article in the *Waikato Times* as part of the construction and legitimisation of a 'common sense' retributive justice ideology. In the *Times* article entitled "Law to stamp on paedophiles who use social media to target children" the reporter, Andrea Vance, begins by stating "Justice Minister Judith Collins yesterday announced a crackdown on internet child pornography, toughening up the maximum penalties for a range of offences" (Vance, 2012a). Vance goes on to report that under the new law "anyone convicted of a child pornography offence for a second time will automatically receive a jail sentence", and subsequently quotes Collins saying "I don't think you can over-prosecute this stuff. Frankly, more prosecutions will be great" (Vance, 2012a). This retributive approach to the issue of child pornography is supported by Ecpat Child Alert board chairwoman Yvonne Dufaur who is reported to say "Strengthening sentences would send a strong signal to the consumers of images and "should serve as a deterrent"" (Vance, 2012a). Once again, we see the Minister's punitive approach to social dysfunction reinforced by the mainstream media reporting of the law change, without any critique of the direction of the policy presented in the report. Instead, the retributive approach is constructed as 'common sense' and legitimised through the use of carefully selected 'expert' voice, with a complete absence of discussion about preventative offender treatment or rehabilitative approaches. Further, the story is framed around a child's vulnerability and need for protection; which, when embedded in the context of a victim-offender binary discourse (discussed in the next section), makes the policy difficult to critique or assess objectively for its merits.

The focus on retributive justice can also be seen in more low-level offending, provided it is the kind of offending that conjures significant emotional reaction

from the public. This, for example, is seen in the *Herald* article entitled “Cat found drowned in lobster trap” where the journalist reports:

SPCA Auckland chief executive Christine Kalin described it as “an appalling act of animal cruelty”. “We need to find the culprit quickly and seek justice for this innocent animal,” Ms Kalin said. (“Cat Found Drowned”, 2013)

Here we see the article is reinforcing the discursive frame which suggests justice for the cat means finding and punishing the perpetrator.

As well as seeking to establish a retributive culture as common sense and in-line with public sentiment, journalists also appear to be engendering outrage by suggesting sentences are not as tough as we believe they are, and the public is being somewhat deceived by the sentences being handed out. This construction is well exemplified by a *Waikato Times* article entitled “Worst crims out in only 11 years” which begins by asserting:

Some of the worst criminals sentenced to preventive detention are being freed after serving on average only 11 years in prison. Corrections Department figures show preventive detention might not be as tough as the public perceives it to be. A total of 22 inmates sentenced to the stiffest penalty the courts can provide have been freed on parole in the past seven years, 17 in the past three years. (Leaman, 2013d)

This article is clearly seeking to suggest current law and order policies are far too lenient, and don’t lock offenders up for long enough. This framing is, once again, supported by drawing on the voices of loosely related victims:

The figures have dismayed Brian Brown, whose daughter, Natasha Hayden, 24, was strangled by Michael Curran in January 2005. Mr Brown was appalled some of the most dangerous criminals were being released into the community after serving fewer than 12 years behind bars. (Leaman, 2013d)

The reporter goes on to draw on and quote Mr Brown, as a victim, in the construction of this lens:

“It's for the worst of the worst, and yet we seem happy to have 22 of them back in the community. Someone could argue releasing 22 offenders was OK, but would you want them living in your street?”

Mr Brown said prison reformers highlighted the cost of keeping offenders locked up but the alternative was often untenable. “It may cost us \$100,000 to keep dangerous criminals behind bars but if they're released they can create mayhem for a family and what cost do you put on that?” (Leaman, 2013d)

In this article we can see that the journalist has drawn on the voice of a victim to construct ideas about what constitutes appropriate punishment and develop ideas about offenders being released from prison. Through the use of such quotes the reporter is able to establish strong truth-claims which assert that the length of imprisonment is insufficient. Further, the report constructs inaccurate ideas about what it means to be released on preventative detention – intentionally overlooking the level of assessment and monitoring that is involved in release back into the community. Overlooking the more nuanced and community-based procedures in place for ensuring public safety is crucial to the construction of prison as the only

legitimate response to crime and the single tool available to ensure community safety.

The construction of retributive prison-based policies as the unquestionable ‘common sense’ approach to dealing with social dysfunction is also highlighted in the way the media reports studied deal with mental illness, including addiction. One example of this is the way the *Waikato Times* reports on drink-driving legislative changes. In a *Times* article entitled “Expert slams ‘pathetically weak’ drink-driving laws” the reporter draws on the narrative of Dean Murray Holder – a notorious alcoholic and drink-driving offender – to construct the idea that drink-drivers are “worse than paedophiles” and largely unregulated by ‘pathetically weak’ drink-driving laws (Morris, & Boyer, 2013). The report draws heavily on the views of SST spokesperson Garth McVicar who asserts that people such as Dean will continue to be a danger to the community “unless the law was changed to keep him locked up”. While this report clearly articulates the danger drink-drivers pose to the community, it focuses entirely on the role of retributive justice in preventing offending, while completely removing any conversation about the best way to support and treat an addict. Even well known drug and alcohol counsellor, Roger Brooking, who has been outspoken on the need to provide more drug and alcohol treatment for offenders (Brooking, 2011), is selectively quoted in the article saying this case shows the “ineffectiveness of the law” without highlighting the need for treatment of an illness, rather than retributive punishment; thus emphasising the role the selective quoting of experts plays in the legitimisation of this dominant discourse.

Victim-Offender Duality

A selective representation of reality can also be seen in the construction of victim-offender duality. As discussed in the literature review, a central tool used in the cultivation and maintenance of a punishing and retributive approach to criminal justice is the production of the idea that victims' rights and offenders' rights are fundamentally opposed, and therefore anything which seeks to uphold offenders' rights or promote their wellbeing is seen to be to the detriment of victims. As we have seen in the previously discussed examples, this discourse is employed predominantly by retributive justice advocates who brazenly hijack the pain and distress of the victims of crime in order to advocate for tougher sentences. This idea is clearly communicated throughout the newspaper articles studied. One strong example of this framing of the debate comes from an article in the *Waikato Times* which reports on Christie Marceau's parent's campaign to get tougher bail laws in New Zealand. In this article Mrs. Marceau states: "She [Christie] had that right to live. Everything has been about the offender's rights but she had rights" (Johnston, 2012). At its most basic level, this statement establishes a binary negotiation between opposing rights, whereby the discursive frame suggests toughening up bail laws (and therefore reducing offender's rights to freedom) will vindicate Christie's right to live. This is a powerful construction as the legitimacy created by victim's voices (discussed previously), when encapsulated in the framework of a dualistic negotiation of opposing rights, establishes a level of incontestability or validity which the retributive-focused campaign would not otherwise have. This removes the public's ability to look at the value of such a law change from a rational and reasoned perspective because such an approach is constructed as neglectful of victims' needs and experiences. Thus, this construction of a dualistic relationship between victim and offender rights is a

powerful linguistic tool as it establishes an ideological framework which makes retributive arguments difficult to challenge or critique on their merit.

Cultivating this oppositional negotiation of rights to pursue retributive policy change is again exemplified by an article in the *Waikato Times* by Andrea Vance entitled “Victims of crime want judges to be accountable” (Vance, 2012c). In this article Vance collates the words of several individuals who spoke at a Parliamentary select committee hearing, and proceeds to assume the voice of a unified victim sub-group when she asserts: “Judges should face performance reviews and be held accountable for their decisions, *victims say*” (emphasis added). Clearly Vance cannot speak for all victims of crime; however, by framing the story in this way, Vance is able to establish the idea that tougher sentencing is what victims of crime want. This construction is important as Vance’s attempt to speak on behalf a unified victim sub-group, when calling for tougher sentencing law, allows her to draw on the legitimacy established by the label of victimhood, and further entrenches the construction of victims and offenders sitting apart in two distinct and opposing sub-groups.

The assumed oppositional relationship between victims’ and offenders’ rights is also heavily drawn on in an article about prisoner compensation law (Fisher, 2013a). The article explores the current situation, whereby prisoners who have been abused by the State, or wrongfully detained, and are awarded compensation cannot access their compensation if the victims of their crimes make a claim for compensation. The article begins with the headline “Prisoners paid \$500,000” and subheading “Child sex offender paid out \$26,600 for administrative bungle” but goes on to explain that due to “a surge of outrage over the rights of victims of crime” a significant proportion of that compensation has not been paid out to

offenders – who are in this instance actually the victims (Fisher, 2013a). This situation highlights the pervasiveness of the victim- offender-rights duality established in our collective consciousness, and the extent to which any acknowledgement of offenders’ rights (even in instances when they are actually victims) is seen to be diminishing victims’ rights.

Such a dualistic understanding of the relationship between victim and offender is also played out in the previously discussed *NZ Herald* article entitled “Make Macdonald pay in full: widow”. This article reports:

Mrs Guy has said she wants to stand up for “Scotty” and Macdonald’s other victims and make sure the suffering and distress he caused them is acknowledged and reflected in the sentence he is given. (Leask, 2012b)

Here we again see the debate being negotiated around the idea that the victims’ rights are upheld when the offender’s rights are diminished. This moves the debate away from correcting dysfunction and protecting society, and towards retribution.

Such a framing is also seen in an article in the *Herald* by Deborah Coddington (2012). In this article Coddington argues for a sex offender’s registrar by drawing on the pain of victims of sex offenders to justify her claims. Ignoring that fact that in many instances sex offenders are not named primarily to protect victims’ privacy (Hanvey et al., 2011), Coddington proceeds to establish her dualistic argument which suggests those opposed to naming and shaming offenders are “putting the privacy of offenders above the rights of the vulnerable”. This polarisation of victims’ and offenders’ rights is not only misinformed, but actually

potentially detrimental to both victims and offenders if established (Hanvey et al., 2011).

The establishment of a dualistic understanding of offender and victims' rights is, however, an intentional discursive frame cultivated by law and order lobby groups. While such retributive justice focused activists largely hide behind the voices of their victims when perpetuating this discourse, when such groups do front the media they are quick to label themselves as a "victims' advocacy group" (Fisher, 2013b) so to draw on the legitimacy of the victims' voices they exploit. Evidence of such lobbyists capturing victims' voices or appearing to champion victims' rights can be seen, for example, in the *Herald* story about a 14 year old boy convicted of murder where the *Herald* reports SST head Garth McVicar saying:

The "liberal lunacy perspective" ... had dominated public debate at the expense of victims' rights for too long. "I'm all for rehabilitation, but ultimately when somebody commits a crime like that, then we believe they are beyond rehabilitation and the argument is no longer about them. It should be about the victims . . ." (Laxon, 2013)

In this instance the story is actually about the victim's father's willingness to engage in a restorative process. That, however, does not prevent the reporter from perpetuating a punitive discourse by engaging the voices of the SST, nor does it prevent the SST spokesperson from reinforcing a dualistic relationship between offender and victims' rights and assuming to speak for victims and their rights – when in this instance he clearly does not. It is telling that the SST spokesperson feels he has the right to disregard restorative approaches, and reinforce the dualistic narrative, under the guise of representing the victim – saying "It should

be about the victims” – even when the victim’s father is himself seeking a more restorative resolution.

This emphasis on victims’ rights when talking about sentencing or law and order policy is again highlighted by the quote from SST spokesperson Garth McVicar in another *NZ Herald* article where he states a fair justice system was one which “reached a stage where we can define what enough is and that will be victims’ satisfaction” (Fisher, 2013c). Here we again see victims’ voices being used to support tougher sentencing lobbyists by establishing this artificial ‘rights trade-off’ framework within which the policy debate is hosted.

Interestingly, one *Herald* article actually highlights the problem of narrow and dualistic media reporting of court proceedings, quoting Justice Helen Winkelmann’s critique of media reporting as being simplified to a black-and-white approach which she summarises as: “Terrible crime. This is the sentence. What do the victims say? The sentence is not enough.” Justice Winkelmann further explains that the public dissatisfaction with sentencing was largely due to the public being poorly informed by the media (Fisher, 2013d). This representation of Justice Winkelmann’s critique of the dualistic and sensationalist reporting seen in mainstream media offers an interesting opportunity for the negotiation of a different counter-construction. However, such representations are the exception, and therefore unlikely to have significant impact on the overall establishment of a retributive system cultivated on ideas of victims’ rights being prioritised and upheld.

Overlooking Offender’s Rights

Establishing a punitive approach as common sense inevitably involves constructing a discourse which negates and diminishes the rights of, and concern

for the wellbeing of, offenders. It is not surprising, therefore, that we see the establishment of a common sense punitive approach is accompanied by a dominant conversation which dismisses offender's rights to be treated with the level of respect and dignity we would afford to others in our community – including a rejection of offenders' entitlement to human rights and protection under the law. One example of this is seen in an article in the *Waikato Times* where a member of the community is praised for exacting her own kind of vigilante justice on a young person who entered her home. The article reported that she managed to “boot one of them up the arse” as he ran from her property, while another member of the public later tackled the young person to the ground (Pearl, 2013). The story is presented in an affirming tone which clearly suggests it is acceptable to assault and threaten people you feel have engaged in criminal activity.

This phenomenon is again seen in the *Waikato Times* in an article which quotes a man threatening a person accused of an offence. In the article the man is quoted saying “I actually wish I'd got there sooner because I would have dealt to the guy myself” (Twentyman, 2012a). Once again, we see the media apparently supporting a kind of vigilante justice by printing statements which endorse taking violent action against someone who is thought to be breaking the law.

Additionally, conversations on the justice system often look at the rights of victims and those wrongly accused, but never those of deemed offenders. For example, an article on court delays and timeframes in the *Waikato Times* states “Crime may be at a 30-year low but waiting times for jury trials are at all-time highs, frustrating victims of crime and those striving to clear their names” (Leaman, 2013e). Presumably offenders also have a right to a fast and fair trial so

that they can move forward with their lives, but the *Times* has excluded them from the discussion by framing the problem as frustrating to victims and the innocent only. This is potentially because advocating for offender's rights challenges the dominant ideas reflected throughout this media analysis and is therefore seen to be an unpalatable argument, if considered at all.

The rights of those wrongly accused do not seem to factor into the media coverage of the proposed changes of bails laws at the end of 2012, however. As is explained in the *Herald*, this law change reversed “the burden of proof for serious violent, sexual or class-A drug offences. . . [meaning] defendants would have to prove to the Crown that they would not be a threat to public safety if released from custody” (Davison, 2012b). The *Herald* ran two stories on the proposed bail law changes, with vastly competing statistics about the number of people affected by the changes. However, in both cases there is an absence of discussion around the human rights implications for those who would be affected by the change (Davison, 2012b; Leask, 2012c). Even an article outlining the Laws Society's objection to the changes side-stepped advocating for the right of offenders – potentially realising the unpalatable nature of such a discussion (Davison, 2012b). The discussion of accused offenders' rights is also absent from the *Waikato Times* discussion of the change, which draws heavily on the voices of victims in its legitimisation of the proposed law (Vance, 2012c).

A similar dismissive nature can be observed in the *Times* coverage of the Government's introduction of the new Public Protection Order, which enables Corrections to imprison people beyond the length of their sentence. The coverage of this law change focuses primarily on the law's implications for public protection, quoting Judith Collins heavily throughout. The only mention of a

potential breach of human rights comes at the bottom of the article where it states: “Wellington lawyer Graeme Edgeler raised concerns about the proposed legislation . . . He also doubts it meets international human rights obligations and took issue with Ms Collins' insistence it is a “civil detention regime”” (Vance, 2012b).

This culture of dismissing offenders' rights is also made clear in the *Herald's* report discussed previously, which explores the law preventing offenders from accessing the compensation they are awarded when the State abuses them (Fisher, 2013a). This article seeks to create public outcry by suggesting prisons are being paid large sums of money in compensation, and then reassures the public that they do not receive a lot of the money because of uncertainty about who should receive it. The article mentions the system is opposed by human rights lawyer Tony Ellis, but aligns his perspective with that of the SST; completely failing to engage with the human rights dimension of the law – which effectively refuses prisoners access to compensation when they are abused by the state.

Moral Panic and Societal Downfall

The construction of moral panic around the perceived downfall of society is another discursive construction central to the legitimisation of a retributive and punishing culture as it manufactures the need for such an approach. This construction is seen throughout the media reports studied in the use of linguistic and discursive tools which create a sense of panic and urgency by suggesting violent and invasive crime is rampant in a rapidly decaying society. This construction of societal downfall communicates a kind of urgency and helps to whip up public panic, therefore instilling a level of fear which undermines the public's ability to critically engage with criminal justice policy – or narrow media

constructions of offenders; instead cultivating support for a punitive culture and acceptance of the crime-and-punishment discourse that characterises media and public conversation about crime (Garland, 2008).

At the most broad level, the construction of the idea that crime is rampant and out of control is developed through the constant bombardment of stories and news articles about crime – particularly violent and sexualised crime. The over-reporting of crime is particularly noticeable in the *Waikato Times*. As a regional newspaper, the *Times* sees that it has a role in reporting local crime events. This is slightly different to the *Herald*, which tends to take a more national focus in its reporting practices, and therefore tends to focus primarily on stories which enter the national news cycle – such as high profile offending or politically sensitive crime stories (Harcup & O’Neill, 2001).

A scan of the *Waikato Times* articles reveals a major focus on crime reporting, which develops a very grim picture of the level of offending taking place in the Waikato – particularly in Hamilton City. The vast majority of the *Waikato Times* news articles studied focused on reports of local crime events, and include numerous headlines such as: “Daylight robbery on increase: be vigilant” (Feek, 2012a), “Cash taken in armed robbery” (“Cash Taken”, 2012), “One of Nia Glassie’s abusers freed to Hamilton address” (Lynch, 2012), “Drink-driving blitz results in arrests” (Twentyman, 2012b), “Waikato-Tainui pledges action to turn tied on Māori crime” (Yates, 2012), “Naked man assaults girl, 5” (Carson & Bowen, 2013), “Shoplifting turns to assault” (Feek, 2013), “Bashing sparks manhunt” (Twentyman & Lynch, 2013), and “Man shot in face in Maeroa” (Lynch, 2013). This snapshot of the tone of media reporting on crime in the *Waikato Times* illustrates how the media’s fascination with sensational and

alarming crime events contributes to a public perception that crime is out of control and escalating. Moreover, the construction of public hysteria is further supported by the use of unsupported phrases such as “after a surge in commercial burglaries” (Carson, 2012a) and “Burglary and domestic violence is rampant in Waikato” (Carson, 2012b), which seek to emphasise the idea that crime is out of control.

Even stories which we could legitimately expect to be positive stories about decreases in crime tend to serve the dominant discourse by suggesting crime is expanding. For example, the *Times* article entitled “Drop in rural burglaries as pilot programme kicks in” (Feek, 2012b), which is reporting the success of a new programme in reducing offending, seeks to highlight crime as a major problem we need to remain deeply concerned about. This is achieved by first highlighting a prior upward trend in burglaries which gave rise to the need for change. This was supported by a caution that we should not relinquish our concerns too quickly, and a further assertion that there is still a major crime problem:

But Hamilton City deployment manager Inspector Karen Henrikson said while she was pleased with the drops, they were often cyclical and she wanted more sustainable reductions. “People shouldn't relax and let their guard down.” Last weekend, from Friday morning until Monday morning, 21 Hamilton homes were burgled. Police noticed hot areas around Cobham and Kahikatea drives, which suffered seven burglaries, and Enderley and Fairfield, where six homes were broken into. A number of thefts had also been reported in the Flagstaff/Rototuna area. (Feek, 2012b)

The hijacking of a positive story to perpetuate the panic surrounding crime is also seen in a story entitled “Sex, drug crime up, and in Hamilton” (Carson, 2012b)

which, while acknowledging that reported crime had dropped over the past year, uses the latest police statistics to paint a damning and confronting picture of the level of crime reported in the area. These statistics were again drawn on in a story published in the *Waikato Times* which stated “2011 police crime statistics revealed last week that burglaries had increased 15.8 per cent in the Waikato and were up 18.9 per cent in Hamilton, accounting for half of all crime in the district” (Feek, 2012a). Here we see that although the statistics are revealing a general drop in crime, the media is committed to emphasising increases where possible. While this focus on the negative may be linked to a desire to sell papers (Harcup & O’Neill, 2001) it is an important framing to be cognisant of as it significantly contributes to public hysteria surrounding crime and legitimises calls for tougher sentencing.

This construction is supported by a similar discursive strategy employed by the *Waikato Times* when reporting on unique crime events where the reporter uses a story to suggest a wider crime problem. For example, in an article entitled “Teen burglars target 'wrong house” (Pearl, 2013), which reports the story of one burglary, the journalist has added the line “Van Kooten was a victim of one of 78 burglaries in Hamilton between Anzac Day and 6am Monday morning.” This information serves to suggest this one instance of offending is embedded within a larger society problem. The same strategy is evident in another story published on the same day in the *Waikato Times* entitled “Trusting homeowners fall foul of opportunist” (Twentyman, 2013). In this article the journalist reports on a few independent burglaries that took place over the weekend, but seeks to link them to a bigger problem with the use of the line: “There were 99 burglaries reported in the Waikato between Anzac Day and 6am Monday, 78 of them reported in the

city.” Again, this exemplifies an attempt to position an isolated event within a wider social problem and therefore cultivate the idea that there is a major crime problem within the public psyche.

The New Zealand Herald and the Creation of Chaos

Although the *New Zealand Herald* does not take such a strong interest in local crime events, a number of the *Herald* articles within this study demonstrate a clear commitment to the cultivation of chaos and the belief that crime is rampant. In the case of the *Herald*, the creation and perpetuation of the idea that crime is out of control is usually embedded within coverage of the wider political conversation (rather than the offence-focus of the *Times*). This is seen, for example, in the *Herald* story entitled “Murder on bail 23 cases revealed: Figures show 70,000 crimes by people freed to await trial” (Leask, 2012c). This article intentionally uses misleading figures to create a public panic and outrage at the level of offending committed by people on bail. The article is seeking to suggest changes to bail legislation that were before Parliament at the time, which (as previously discussed) “would reverse the burden of proof for serious violent and sexual offenders” and would “change bail laws to improve public safety”, would significantly reduce offending. However, the journalist fails to acknowledge that such a change in bail law would only affect a very small proportion of those on bail, and would have no effect on the vast majority of the 70,000 offences highlighted. Further, in the breakdown of the offending, the reporter is only able to account for approximately 9,000 of the offences; leaving a significant proportion of the 70,000 offenses unexplained – potentially because they include very minor charges such as bail breaches. The use of the significant figure, alongside the link to the murder convictions, has the effect of creating a belief that

there is a major problem with the current bail laws, and therefore legitimising a punitive and ethically-questionable law change.

The creation of panic around the level of offending in our community can also be seen in a *Herald* column entitled “NZ – No 1 danger spot for tourists: Automatically doubling sentences for offences against visitors should see an improvement in crime statistics” (Jones, 2013). In this article the author seeks to establish crimes against tourists as a major problem facing New Zealand. He does this by making unsubstantiated claims, such as suggesting it is “beyond question” that “New Zealand is statistically the most dangerous popular tourist destination in the world”. The author also seeks to cultivate a sense of hysteria by suggesting it is “astonishing ... how the regular rapes, murders and robberies committed against tourists in our country over the past two decades, mainly in the North Island, have somehow been hushed up.” It is clear from the unsubstantiated claims of the author that he is seeking to create an understanding in the minds of the readers that crime against tourists is out of control and much more prevalent than it actually is. In this example the author goes on to draw a direct link between the cultivation of public hysteria and the legitimisation of retributive policies; suggesting that we should “legislate that crimes against tourists automatically yield double the maximum sentences. That should produce a sharp improvement in what is nothing less than a scandalous national embarrassment” (Jones, 2013).

Crimescene: Public Service or Panic Station?

One interesting aspect of the *New Zealand Herald* is the regular appearance of a section called “Crimescene”. This section operates as a kind of name-and-shame space for offenders who are alluding police. The reporting details the names of

persons of interest and their distinguishing features, as well as giving details of their offending. For example:

Crimescene

Call Crimestoppers on 0800 555 111

Police are still looking for a man who robbed the Coronation Rd Superette, in Glenfield, on October 6. The man pointed a gun at two shop assistants and demanded money. The offender was last seen running in an easterly direction down Coronation Rd. The offender is a man of average height and of thin to medium build. He was wearing gumboots, blue jeans, and a black hooded top with the hood up. He had a peaked cap under the hood and had a white cloth covering the bottom half of his face. The gun was described as similar to a rifle or shotgun cut down. The gun had a white homemade sling attached. North Shore CIB on 09 477 5000, email most.wanted.north.shore@police.govt.nz.

Waikato Police are seeking witnesses to a suspicious fire that seriously damaged a patrol car parked at the East Hamilton Police Station last Sunday. Emergency services were called to the fire in the carpark of the Clyde St station about 8.15pm and arrived to find the car well ablaze. A forensic examination showed an accelerant was used to ignite the fire. Police have already spoken to people who were at the scene as well as a man who captured footage of the fire and uploaded it to YouTube. Sergeant Shelly Begbie at the Hamilton Central Police Station on (07) 858 6200.

(Crimescene, 2012)

A question that arises is whether this is a police tool which actually sheds light on police investigations, or is it merely a voyeuristic newspaper version of the television series *Police Ten 7* (Whatford, 2014), intended to dramatise crime and whip-up hysteria about offenders and the prevalence of crime. If the focus was solely on identifying allusive offenders it would appear there was no public interest in revealing details about the offending – a simple list of offenders’ names would suffice.

Presenting Offenders as Calculating and Rational

Another core linguistic device used in the construction and support of the crime-and-punishment discourse is the cultivation of the idea that offenders are calculating and rational, even in instances when they clearly are not. This construction is a key tenant of the tough on crime ideological framework as it sits at the foundation of ideas around personal responsibility and deterrence based policy responses (Garland, 2001b). It is unsurprising, therefore, that this assumption is embedded in a large proportion of the media reporting and has a central role in establishing the legitimacy of a punitive justice system which sees deterrent-based policies and a ‘common sense’ approach to preventing crime.

The framing of offenders as rational and calculating is predominantly constructed and reinforced through unquestioned assumptions embedded in the body of the media text. For example, a *Waikato Times* article entitled “Victims of crime want judges to be accountable” quotes Lawyer Stephen Franks claiming “offenders treated the legal system as a game. Bail is just part of that . . . the current system of bail gives them free hits” (Vance, 2012c). Embedded within this quote is a clear framing of offenders as calculating and rational individuals who actively seek to cheat the system and take advantage of law and order policy, as if

engaging in a strategic game with the law. Such a construction is supported by language such as “career criminal” (Francis, 2013; Savage, 2012b), which suggests people choose a life of crime as an intentional career choice. This is clearly an unfounded and unhelpful construction of a much more complex social problem (Brown, 2010; Tonry, 2008).

Such a framing is observable throughout the media events of interest to this study. For example, the same sentiment is also shown in a letter to the *Herald* entitled ‘Bail laws’ (“Bail Laws”, 2013) which suggests:

Had someone had to pay bail for these offenders for their initial offence, the offenders would most likely have thought twice, or alternatively been held in jail pending bond payment – and, therefore, pose no danger to the public.

Once again, we see the assertion that offending happens as a result of a rational calculation, taking the outcomes into consideration before acting, and therefore legitimising the idea that crime can be prevented by placing stricter penalties in place.

This construction is also supported by journalist’s assertions that people committing offences intentionally target specific places and people. The language of ‘targeting’ likens offending to a strategic game, and reinforces a rational/calculating perception of offenders. Such a construction is cultivated in a *Herald* article which quotes Superintendent Mike Clement, Auckland District commander saying “Criminals are drawn to the same places” (Savage, 2012a), and again in a separate article printed on the same day the journalist says “The city's most popular car parks are among favourite targets for thieves” and goes on

to claim “opportunistic thieves and career criminals, who targeted the “high-risk” locations around the city, were largely responsible...” (Savage, 2012b). This language is also seen in a *Herald* article entitled “Thieves prey on patients and staff at hospitals” (Akoorie, 2012) which suggests “Thieves pretending to be visitors at Waikato Hospital are stealing from patients and nurses”; suggesting hospitals are intentionally “targeted”. Although the journalist acknowledges the offending is “usually opportunistic” the article constructs the idea that people are strategically targeting a number of the hospitals in the area, rather than the more likely reality that people in the hospitals, possibly as visitors and patients, are seeing opportunities and acting in the moment.

The construction of a calculating offender identity, through the use of loose interpretations of events and unsupported propositions, can be again seen in a story in the *Waikato Times* entitled “Knife threat in driveway alarms prison officer” (Cowlshaw, 2013b). This article tells the story of a prison officer who was threatened by a member of the public outside his house. Through a selective telling of the story the journalist seeks to establish a narrative which suggests the officer was a victim of a calculated attempt to intimidate him because of his position and his role in preventing drugs entering the prison. However the story finishes with the concession that there was no evidence linking the random abuse to his job and acknowledges that it may have been an opportunistic event. Thus, this story provides one example of how media discourses attempt to paint criminal events as part of a calculated attack by a rational and strategic group, therefore laying the ideological foundation for a tough-on-crime retributive focused public discourse.

A Shifting Discourse

While there is clearly a strong retributive discourse underpinning the media narratives explored in this study, it is important to acknowledge the pluralistic nature of media reporting and the multiplicity of perspectives in the numerous media events of interest to this thesis. As discussed previously, the media-public relationship should be understood to be a two-way negotiation. Thus, the media both reflects and constructs the discourses and ideologies within its publics. Therefore, it is unsurprising that while the media explored in this study overwhelmingly reflected certain discourses as dominant – i.e. the otherisation of offenders and the normalisation of retributive policy – there was also evidence of the dominant discourses being contested and challenged by alternative narratives and framings in some news reports.

In the corpus of news reports studied, there were two key articles which stood out as providing an alternative approach to understanding appropriate responses to the law and order debate. The first was printed in the *Herald* – “Making the solution fit the crime: Move to target money, social programmes has big implications, particularly for indigenous offenders” – and explored the close correlation between disadvantage and poverty amongst indigenous populations in Western Australia and high rates of incarceration. The article went on to discuss the increasing move towards ‘Justice Reinvestment’ – a model of corrections policy which calls for resources to be placed into tackling the underlying social and economic problems associated with high crime rates (Ansley, 2013). The second article which evidenced an emerging conversation challenging the dominant retributive conversation was printed in the *Waikato Times*, and was entitled “Top judge sees potential in restorative justice” (Risk, 2012). This article reflected the

view of “former chief judge of the district court, former principal judge of the youth court and former chairman of the Parole Board” Sir David Carruthers, who described restorative justice as “the process of resolving crime by focusing on redressing the harm done to victims while holding offenders to account” (Risk, 2012). However, it is important to note that the report reflects a level of caution you would expect when seeking to advocate for a more reasoned approach to justice policy while working within the discursive constructs discussed in this chapter. This cautious tone reflects the inevitable negotiation of representation necessary when seeking to present a counter-framing or alternative ideology to a public heavily invested in the dominant discourse (Drewery, 2005; Harter et al., 2004). For this reason the article stopped short of advocating for a predominantly restorative approach to justice police, and emphasised the need to primarily support victims of crime.

An appreciation for restorative justice can also be seen in the contestation of ideas presented in other news articles. For example, in one *Waikato Times* article entitled “Māori crime ‘fact of life’” (Leaman, 2013f) the New Zealand Howard League for Penal Reform chief executive officer Mike Williams said “the three strikes law was unproven at deterring crime and an “extremely expensive” crime fighting measure.” He was further quoted saying “It was better to spend money on prisoners' rehabilitation, and drug and alcohol treatments.” The introduction of this rethinking can also be seen when journalists draw on the voices of law and prison reform experts such as Kim Workman. However, such quotes proved to be rare in the media stories studied, thus reflecting journalists’ general unease with alternative discourses advocating for different framings and understandings of crime and offending.

Challenging Moral Panic

Alongside the evidence of a shifting discourse which challenges the naturalisation of retributive policies, there is also evidence that the powerful construction of society's downfall into rampant crime and chaos is contested by some media reports. One such example of this is in the *Herald* article entitled "Youth crime sinks to record lows: Judge says latest statistics shatter myth that young Kiwis are out of control" (Davison, 2013) which highlights the falling rate of youth crime in New Zealand. The article even quotes Principal Youth Court Judge Andrew Becroft saying "the clear message is that far from skyrocketing out of control, youth apprehension rates have been stable or dropping year by year, which is contrary to the public's perception." The article also highlights the role emerging restorative justice practices have in preventing offending and incarceration. This article is supported by another *Herald* article which highlights that the latest statistics "represents a striking riposte to the widespread view that youth crime is rocketing out of control" ("Education, Not Hysteria", 2013). Further, this article challenges the dominant blame-positioning *individual responsibility* discourse by exploring some of the key factors that contribute to youth offending, including learning difficulties which result in low self-esteem and behavioural issues. These two articles, although in the minority, reflect an attempt to contest the dominant panic-inducing discourse which paints a desperate picture of crime in order to cultivate public anxiety and legitimise a public conversation calling for more punitive responses to crime.

Songs from the Inside: An Alternative Approach

The CDA of the corpus of news reports studied paint a fairly bleak picture about the possibility for change. It appears that the dominant discourses within

mainstream media conversations are deeply rooted in an ideology built on a set of values and assumptions which work to support the retributive status quo and don't provide much opportunity for critical analysis or reflection for their media consumers. In the absence of a workable alternative, it is easy to imagine these current discourses, and the values embedded within them, are almost inherent and unchangeable – particularly because they exist within a corporate media framework which is focused primarily on generating consumption (Harcup & O'Neill, 2001). While the examples of a more hopeful or considered conversation are not overwhelming in the mainstream reports, an exploration of media conversations about crime and offending slightly outside of the mainstream reveals the potential for a more nuanced and informed conversation.

One clear example of media doing the conversation about crime and punishment a little bit differently comes from a series on Māori Television called *Songs from the Inside* (Arahanga, & Roderrick, 2011). This series engages in a fundamentally different construction of offenders, whereby people who might be (and possibly have been) solely constructed as offenders in mainstream media conversations are explored and conversed with in a way that invites the viewer to engage with and appreciate their fundamental humanity. The series takes a group of people who are currently incarcerated and invites them to go on a journey with four musicians over a 10-week period, with the end goal of each writing and producing a song. Through this process the series invites us into relationship with the inmates as they explore aspects of their life and identity while embarking on this journey. In this way, *Songs from the Inside* presents a direct assault on the dominant discourses which otherise and marginalise offenders by exploring the multiplicity of the person's identity, and inviting them to share many different aspects of their

life's narrative with the viewer. Further, through the exploration of their stories, viewers are able to become more cognisant of the wider social factors which have motivated their offending. This exploration of their stories therefore confronts the notions of blame and individual responsibility which underpin the retributive ideology.

While *Songs from the Inside* sits outside of what might be considered mainstream news media – and therefore has a limited impact on public discourse – it provides an important model for how media could do the conversation differently, and how the destructive discourses outlined in the findings of this chapter can be successfully challenged. The greatest insight revealed by *Songs from the Inside*, and one I have learnt again in the participant observation section of this study (discussed in the next chapter), is that when we are able to see the full story, and therefore the full humanity, of the person we talk *about* in our marginalising discourses, the fears and prejudices which underpin those discourses cannot be maintained and the conversation must shift.

5. Voices of the men

As well as exploring the dominant values, ideologies, and discourses embedded in mainstream media reporting on crime, over the duration of this project I have had the privilege of journeying alongside a group of men who are making the challenging transition out of a significant prison sentence and back into the community. This has enabled me to ground my reflections on the dominant media discourses discussed in the previous chapter within the lived realities of these men's lives, and to explore the impact of the ideologies, values, and assumptions of dominant discourses on them. This chapter draws predominantly on the insights I have gained from my work alongside them, as an observer *and* participant in the *Good Lives Model* (GLM) programme, and later as part of the *Men's Support Group* (MSG). In so doing, the chapter expands on and explores some of the key themes emerging from the media analysis chapter. Specifically, this chapter seeks to answer the questions:

- How are media discourses contested (or reinforced) by participants involved with the *Good Lives Model* programme at *Anglican Action*?
- In what ways do these discourses contribute to the construction of offender's self-identities, and what impact does that have on offenders' patterns of offending and rehabilitation?

My engagement with the men involved in the GLM programme began when I started attending their twice weekly meetings at *Anglican Action*. These meetings reflected an educational group therapy setting, and provided a good opportunity to hear some of the issues the men were confronting. As my involvement with the group proceeded, I began to see that there was a strong need for sharing, community, and mutual support which was not being entirely met by this

educational setting. A post-meeting coffee with a staff member at *Anglican Action* led to the development of MSG (*Men's Support Group*). MSG became a weekly evening shared meal and meeting which was hosted, catered for, and developed by the men themselves. MSG quickly became a central part of the men's support structures, and a very special place for those involved, as it provided a unique opportunity for deep and real sharing with each other within a supportive and uniquely inclusive community.

The findings and reflections of this chapter are, therefore, drawn firstly from informal conversations and more formal interviews with the men involved in the GLM programme – which was my intention at the outset. However, the level of sharing and self-expression I have been able to experience during my time with the men in MSG has also provided important insights which inform this chapter.

Experiences of Marginalisation

The navigation of identity by the men involved in the GLM programme as they made their journeys from prison back into the community was significantly influenced by their experiences of being or feeling marginalised because of the 'offender' label they carried. This was evident in many areas of the men's lives, having significant practical implications when it came to looking for accommodation and employment, as well as impacting on their sense of wellbeing and belonging as they sought to reintegrate back into the wider community. Over the past 12 months I have heard about, and had first-hand experience, of numerous – and often daily – experiences which serve to otherise the men and limit their sense of belonging in the wider community. It was clear that the men's experiences of discrimination often prompted a loss in confidence and a lessening desire to successfully integrate into healthy pro-social communities. This

discrimination was enacted from many different aspects of the community – from members of the public who made assumptions based on physical and personal attributes, to police, probation officers, and other agencies who could be seen to be treating the men differently, and often disrespectfully, because of their offender status. The position of authority that police and other agencies held over the men often made this discrimination particularly challenging for them to deal with.

Here's an illustrative account of Tama (as mentioned in Chapter 4, names of all the men mentioned in this thesis have been changed to protect their privacy), a middle aged man with an extended history of gang affiliation, violent crime, and significant periods of imprisonment. Over the past two years, Tama has been on a remarkable journey of transformation, triggered by his desire to have a positive role in his grandchildren's lives. In his own words, Tama has gone from being a "tough and scary" man, who only "thinks with his fists" to someone who "thinks with his heart". The Tama I have got to know is a kind and gentle man, with a generous and caring disposition. However, Tama still looks like, and carries the history of, a violent gang member. Thus, in spite of Tama's massive transformation, he consistently confronts prejudice and discrimination in most areas of his life.

On one occasion, I invited Tama to come on a trip with me and a group of 'at risk' young people (aspiring gang members) – acknowledging his extraordinary gift as a role model and mentor to these young men. While away with me on one afternoon he took the van out to get some things from the supermarket. I began to become seriously concerned for his wellbeing when he didn't return for several hours. When he eventually got back from what was meant to be a 20 minute trip about four hours later, I asked him if everything was okay. He explained that a

police officer had pulled him over as he was driving through town, proceeded to run his details through the system, and spent several hours running checks, tracking down his probation officer, and vigorously seeking to uncover what he was doing in this town. Tama explained this interaction to me in a rather relaxed manner, exemplifying it was something he had come to expect from people who didn't know him personally. However, I was shocked, particularly as I was very aware from listening to Tama's story that had I been the one going to the supermarket there would have been a very different outcome. For one, I am almost certain I would not have been pulled over for a 'random check' in the first instance; and secondly, I think it is fairly safe to assume most officers would not have had my details run through the system or interrogated me on my intentions for being in their town; a simple glance at my licence would have sufficed had I been stopped. Thus, regardless of our different histories and criminal records, it was clear to me that we experience everyday situations like going to the supermarket in fundamentally different ways.

Several weeks later a similar interaction occurred when we were in Hamilton. When I asked Tama how this sense of being targeted affected him, he reflected:

As soon as the cop checked my name and saw I was on probie that was it; he had his mind made up. I told him he had a mind blockage... When that happens my defenses go straight up and I get sarcastic... he doesn't see the good guy, he just sees the criminal and the bad guy.

This reflection perfectly captures a core experience of many of the men seeking to cultivate new identities for themselves and move back into the community who are constantly constructed as, and reminded that they are, offenders – not positive

members of our community. These experiences reflect Burr's (2003) suggestion that:

Discourses provide the possibilities and limitations on what we may or may not do and claim for ourselves within a particular discourse. We may ourselves adopt a position by drawing upon a particular discourse, or we may assign positions to other speakers through the part that we give them in our account. (p.188)

Tama's words "*he just sees the criminal*" reflect an awareness that while he, like many of the men involved in the GLM programme, is endeavoring to cultivate a new identity position within the dominant discourses of our community – positioning himself as a 'good' person, and therefore belonging – other people consistently limit this narrative transformation and make assumptions which draw on and ascribe a criminal identity. This entrenches the men's sense of marginalization and limits the positive negotiation of a 'good' and belonging identity.

This feeling of being marginalised and judged because of an assumption that you have come from prison was reflected and repeated consistently by almost all of the men who engaged with the case study over the 12 months I have been involved with the GLM programme. One man shared how a group of people he had been spending time training with at a local gym kept their distance once they learnt he was from prison – this significantly undermined his sense of belonging and strong need for community at this point in his journey. Other men also reflected on the way employers, and others who held significant power to influence their progress and rehabilitation, chose not to engage with them after learning about their background. This often resulted in a major loss of confidence

and a sense of hopelessness for the men trying hard to become positive and contributing members of the community. As Jeff put it:

[There is] a certain amount of discrimination around um, housing, work, um things like that . . . so, ya know, some places wont deal with you cos you've automatically come from jail, so that's discrimination. Ya know, some places won't give you a job cos you've got a criminal record; same thing. I mean its part and parcel unfortunately it goes with the territory, but it doesn't make the feeling go away. You know, the guys that have gone to jail, serve their time, come out, wanna be better people, effectively still paying the price for what they did. So, ya know, the old adage, I've done the crime, I've done my time, isn't true, because you keep paying for the discrimination.

Here we can see that Jeff, while accepting that this is the way things are for him, is expressing frustration that he is limited in his ability to move on with his life and become a positive member of the community because of the discrimination built into the minds of a number of the community gatekeepers – such as employers and real-estate agents. Alongside the practical limitations of not being able to find a house or job because of a criminal record, Jeff's statement "*it doesn't make the feeling go away*" emphasises that this experience also takes a significant emotional toll as it constantly serves to remind the men of their *otherised* position in the community.

In a conversation about values, Rangi – a middle aged Māori man – mentioned a sense of judgment was a massive issue for him, and suggested this is so for all men coming out of prison. He went on to talk about how he felt that "when you come out of jail you have it pumped into you that you are a bad person –

especially if you are a sex offender – and you feel really judged... Especially by people *out there*.” Rangi went on to say “Even if someone in the community isn’t judging you, you feel it because you have it drummed into you . . . That’s where people like you, and key workers are so important; because they don’t judge. You feel safe.” He further expressed that, for many of the men, they had to be constantly vigilant, and he shared how carrying that “offender label” while seeking to “go out into the wider community” was “*always a worry*”. Rangi explained that for him this meant he had to think about it all the time, saying “You carry it with you, in everything you do . . . it gets exhausting, you know”.

As well as the anxiety associated with living in a judgmental community, Rangi talked about the challenge of disclosing his offender identity in different situations, particularly as he sought to build meaningful relationships with others:

It’s scary, especially if you like someone, and you have to disclose your history. You’re not sure if they will take it well – *it’s scary*. . . You worry that people will accept you; first family, then friends, then the wider community. It’s all a challenge.

Rangi’s reflections illustrate how trying and disheartening the constant sense of marginalisation and judgment many of the men experience can be – particularly as they attempt to move out from the safety of the community at *Anglican Action*.

When reflecting on marginalisation, Tom (a young man at the end of an extended sentence) shared his experience of not receiving his ‘steps to freedom’ the day he came out of prison. Tom felt that he was treated differently by *Work and Income* (WINZ) because he was “young and freshly out of doing a long sentence”. Tom had a strong sense of prejudice, saying “Yeah, they were like judging me...” Thus

reflecting his sense of being marginalised and picked on because of his criminal identity. Interestingly, Tom acknowledged that he couldn't be certain the prejudice he experienced was actually present, or whether he was being particularly sensitive because of his position as a newly released offender. This was shown when he said:

They were judging me, but that was in my head. Whether or not they were is different, yeah... cos that's the way I felt, was that they know I've been to prison, come out, and they're judging me because I've been to prison.

This awareness of prejudice, and acknowledgement that it was something many of the men were particularly sensitive to was reflected in numerous conversations during the case study. For example, during one of the weekly MSG meetings a new group member – Bradley – shared his experience of coming out of prison just a day earlier after 10 years inside. When we began our sharing time by reflecting on the highs and lows of the past week, Bradley described the feeling of coming out as 'overwhelming' and talked about how much he was struggling with the simple little things. He shared a powerful story about standing at a checkout needing to pay 60c for an item, and looking at the handful of coinage in his hand unsure what to do: "Having not touched money in 10 years, it all just looked so different and unfamiliar". Bradley described the feeling of standing there confused at the checkout as being an experience of complete humiliation and anxiety of being judged. While there could be multiple explanations for Bradley's confusion at the coins in his hand, he felt certain everyone was looking at him, and knew exactly where he had just come from.

In this instance, Bradley went on to explain that he felt there is something internally that makes him hypersensitive, whereby he is walking around

convinced that everyone is looking at him and can tell he is fresh out of jail. This is in sharp contrast to my perception of Bradley. To me, he comes across as a very articulate and intelligent man whom you wouldn't expect to meet in prison; but that doesn't change the fact that he experienced a deep anxiety about being judged and considered an outsider because of his offender identity.

Bradley's sharing ignited a conversation about the anxiety related to being identified as an offender when out in the community, prompting Koro to endeavour to support him by suggesting that is how everyone feels. Koro spoke of a pattern he has seen where guys tend to spend their first week hiding in their room before they find the courage to emerge and start exploring the outside world. He explained that coming out after a long time is like being a baby, that has just been born and needs to re-learn everything.

John followed up with a story of going to a supermarket and having one lady single him out and tell the rest of the staff that he was from prison. He said he could hear her telling others while he was in the store, and as a result refused to go back. The other men couldn't understand how she could have that knowledge (and it may not even have been what she said), but for John it was a very real experience, where he felt completely judged and ostracised because of his criminal identity.

Hearing the men sharing numerous common experiences of feeling afraid and anxious, particularly in situations when they fear they might be identified as offenders, reflects the power of the otherising discourse which positions people who are ascribed an offender identity as marginalised others. Further, the common experience of feeling judged and anxious that people around them know about

their criminal identity reflects the tension of holding a dominant discourse which furiously otherises a core component of the men's identities.

Hegemony of Discourses

When I started this project, I was expecting to discover an active counter-discourse among the men involved in the reintegration programme at *Anglican Action*. However, what I have actually found is a more complex interplay between discourses and identity than I anticipated. To my surprise, the men appeared to buy into the messages embedded in the dominant discourses highlighted in the earlier chapter. Such a response is in line with Burr's (2003) exploration of the relationship between identity and discourse when she states "the subjectivities open to us through positions in discourse may be oppressive... our only choice is to accept them or try to resist them" (p.111).

In my interactions with the men, it was common to see them seemingly accepting their discursively constructed position outside of society and unworthy of the privileges afforded to in-group members. This was exemplified through the common use of phrases such as "people like us have to accept that we will always be treated like this..." or "we just have to accept [discrimination by members of the wider community] because of our choices and pasts." This way of talking was particularly evident when talking about negotiating relationships with people in the community whom they had to engage with. Several men, for example, reflected on the different ways they had been marginalised while they were moving back into the community, but simultaneously linked such marginalisation to their past actions and offender identities; thus alluding to a sense of its legitimacy. Further, it appeared that they accepted the dominant discourse as an important part of taking responsibility and owning their mistakes.

An example of the acceptance of the dominant discourses of marginalisation came through in an interview with Jeff when we were exploring the challenges of finding appropriate accommodation. Jeff talked about how challenging it was for people moving out of supported post-prison accommodation into the open rental market because real estate agents would put up barriers when they found out they had recently come from prison. When pushed on how this apparent prejudice could be changed, Jeff moved from an expression of frustration at his sense of being marginalised to positioning blame on past inmates who had ‘burnt’ the real estate agents in the past. This understanding of the situation reflects a level of acceptance of the marginalisation by positioning blame for the current prejudice on the actions of offenders and apparently accepting the discrimination enacted by the real estate agents. In other words, he expressed a desire not to challenge the legitimacy of the dominant discourse which marginalises people based on a sub-group identity; instead accepting the dominant narrative which positions offenders as being responsible for the marginalisation they experience.

The apparent acceptance of a marginalising dominant discourse was often evident in the GLM meetings and MSG meetings. It was common for the men to conclude a story about experiencing discrimination by acknowledging their position as offenders, and therefore suggesting that they were somewhat deserving of this prejudice. This sentiment was also echoed by professionals involved with the men, who could be quick to make comments like ‘you weren’t just picked out of a crowd for this treatment’. Such a statement is a way of reminding the men that their experience of discrimination was linked to their offending, and – although not endorsed – was therefore somewhat legitimate or deserved.

Discursive Acceptance and Offender Identity

The apparent acceptance of the dominant marginalising discourse can be understood in two potential ways: as discursive domination or a nuanced negotiation of power. The first explanation suggests the impact and dominance of the otherising discourses are so pervasive that they have been taken-on and internalised by the marginalised group they speak of, thus reflecting a kind of discursive domination of the men's identities; what Drewery (2005) refers to as "colonising forms of speech" (p. 311). This explanation is supported by frequent comments made by the men which reinforce their position as less than others within the community. For example, Tele'a, when talking about the judgement and alienation he experiences from the wider community, says that this is simply what he must accept and live with because of his actions. For him, this marginalisation served the important function of reminding him that he needs to stay on the right track in order to belong. This reconciliation with the marginalisation he experiences suggests an acceptance of the dominant otherising discourse embedded in the wider community he is seeking to engage with.

However, the relationship between these men and the marginalising discourses they exist within may be more subtle than full acceptance. As Bowe and Martin (2007) explain, power is always a two way negotiation. Therefore, when the men apparently embrace and employ the language and assumptions of the marginalising discourses about their sub-group they may in fact be seeking to access a level of agency and power by utilising the language of the privileged group. That is, the men have intuitively realised that in order to work within the hegemonic frameworks of the culture they are seeking to reintegrate into they need to employ the language of the discourses which permeate through that

culture. In other words, it appears that it is necessary to ascribe to and internalise the values and assumptions of the wider community in order to successfully rehabilitate.

This process of accepting a marginalising self-identity in order to reintegrate into a community which actively rejects one's sub-group identity has major implications for the men and their sense of self; particularly as they seek to reintegrate within the community whose marginalising discourses they have internalised. As Burr (2003) explains, "once we take up a position within a discourse . . . we then inevitably come to experience the world and ourselves from the vantage point of that perspective" (p. 119). Therefore, the negotiated acceptance of a marginalising discourse must invariably take a significant toll on the men as they seek to place themselves within a discourse which marginalises and ostracises a central component of their identity.

Identity Negotiation

The constant negotiation of identity positions was evident in many of the conversations I had with the men. Some men found themselves making sense of their marginalised position within the discourse by negotiating a different position for themselves (Munford & Sanders, 2014). For example, in one interview, I asked Cory why he thought real estate agents didn't take on people once they realised they were with *Anglican Action*. Cory identified the criminal identity of the men as being a core factor, saying that the real estate agents can only see "that label: criminal" and "automatically think, oh yip, worst case scenarios; cunts gonna wreck the house or, ya know..." Cory also suggested that "everyone holds that basic idea of what a criminal is". Here we see Cory has a strong perception of how the community views 'criminals'. However, it is interesting to explore how

Cory places himself within this act of marginalisation. When asked what he thought people perceived criminals to be, he jokingly started describing himself. This light hearted deflection could be understood as an attempt to manage the tension of being ascribed a criminal identity while trying to build a different self-concept for himself.

Importantly, Cory spent a significant proportion of the interview talking about his aspirations for a better life, and reflecting on how that set him apart from many of the men in the programme at that time. Whether or not his analysis on the other men's motivations might be true, this attempt to distinguish himself reflects an interesting navigation of identity and potentially an attempt to position himself somewhat outside of the marginalised offender sub-group. This was highlighted when Cory said:

I think the way that I've given myself into my change, I don't get that label because... I'm not, I'm not the one in the corner with, you know, being shady and shit. Where criminals, they feel like they're forced into the corner so they're a bit withheld. A lot withheld actually.

However, when Cory returned to his exploration of how the wider community understood criminals he suggested people tend to jump to the "worst case scenario . . . either they're gonna beat me up and rob me or something like that". He was quick to identify that this didn't reflect everyone, however. Cory felt that people who had "dealt with criminals are a bit more open to seeing past that label". Further, Cory shared that there have been times when he has had to tell someone he has just come out of prison and he could sense they were uncomfortable. He said:

Some people, you know, can see past it, but some people, I can see it in their eyes... you know, they're like, 'hohh, wait up here', you know; 'What's going on here?' [laughs] 'What's this guy been up to?'

Cory felt that people who got to know people who are identified as criminals would see that these prejudices are not correct, suggesting "you have to see someone before you see their label... you know, they might have that label, but they might be a good person." He made this point again later in the interview when he suggested people would always hold prejudices towards offenders. He said that people think:

'If he's a criminal, he's criminal'. Unless they've got people in their family that are criminals they won't understand, you know, or they won't see past that.

However, he said that people who are more informed would not be so limited by this dominant assumption, suggesting:

If you know someone that's bad, and then you see someone else that's bad; but you know the person that you know that's bad, but he's a good guy, then maybe, you know, you look at this [person] 'oh yeah, he could be a good guy...', 'he's made a mistake; could be a good guy, let's give him a chance...' . . . they don't see that [good/human side] ay, unless they know it.

Here we see Cory expressing an identity not limited to his criminal label, and drawing comfort from the fact that others also come to see that as they get to know him better. This understanding that people's prejudice is born out of a lack of understanding may offer some reprieve in the negotiation of a positive identity.

Counter-Discourse

While the men largely appeared to accept the marginalising frame placed upon them, and then work within those frames to cultivate a sense of self that meshed with the wider community, it was also interesting to see the men employing their own sense of justice to validate their place in the community and reject the marginalisation they experienced from day to day. A common way this was expressed was in the way the men talked about having “done their time” and wanting to “move on with their lives”. The men also actively affirmed each other’s identities as well as their own by expressing that they were “not bad people, just people who had made mistakes”. On the whole, however, it was uncommon to hear the men openly critique the systems which oppress and marginalise them. The cultivation of a counter-discourse came in the much more subtle form of affirming each other’s positive identity and seeking to negotiate a positive and belonging identity for themselves.

The Importance of Community and Belonging

Alongside the need to make sense of and reconcile an offender identity within a marginalising discourse, an important thing for the men is to find spaces for community and belonging. The deeply held need to belong and be accepted as part of the community was reflected on and highlighted consistently in different conversations with the men.

Isolation and loneliness were identified as the key risk factor that could trigger relapses and lead to reoffending by both staff and participants in the GLM programme. One young man expressed how the loneliness that results from the feeling of being marginalised from the wider community often motivated the men to search for community in old and familiar places – the places that would

inevitably lead them back to offending. This was evidenced when he said: “If you get out and you go to, like, normal people’s house... you feel judged”. He further suggested that in order to turn one’s life around “You need family, and you need support”. The reality for many of the men going through the GLM programme is that biological family support is not a viable possibility – either because their family has turned their backs on them, or because they have had to make the hard decision of leaving their family behind and taking space from the dysfunctional relationships in order to change their lives. This means their need for community is great.

The need for community was also highlighted by Rangi, when talking about his desire to be free from constant judgement. After expressing how unsafe and unwelcome he often felt in the wider community, Rangi said: “Having a safe space is so important. This [MSG] is our safe space. We go out into the community, but it is so important to come back here and feel safe.” This comment reflects Rangi’s inherent need to find a ‘safe’ community where he belongs.

In the absence of a supportive community, the risk of relapse is high. As Cory highlighted, when people are not included in the community they tend to “drift to what they know best” and are at high risk of reoffending and relapsing:

If they [offenders] be on the outside [of the community] well then you drift back to what you would normally do on the outside. . . [If] you aint got people around you that’s, you know, willing to sort of look past that sort of stuff, in my eyes you’re fucked . . . you’re gonna be stuck in that loop.

Further Cory emphasised the need for support and community on the right path, and reflected on how he had to physically leave his community behind and move

to a new town in order to change his life: “Why it’s so easy for me is I moved away from my own town. You know, I’m not from here, I’m from [town name]. I’ve left everything, everyone, behind; and, you know, no contact is good contact in my eyes”.

While the need to belong is a universal human experience, I believe the men’s position as outside of the discursively constructed in-group heightens their need for spaces to belong, and consequently allowed for the cultivation of a uniquely inclusive and caring space. During my time with the men – particularly in the process of establishing MSG – I was consistently struck by the men’s desire for friendship and spaces of sharing, and natural capacity for inclusivity; and I was often left with a sense of awe in witnessing the men create community in a caring way.

Media Coverage

In the interviews with the men I attempted to explore their more direct relationship with the media, particularly if they had had experiences of being talked about in the media. While many of the men involved in the study were fortunate to have not had a large amount of media attention placed upon them, they were very aware of the potentially devastating effect the media can have if it takes an interest in their case, for whatever reason. One man, for example, talked about how – as a high profile member of the community – he was terrified the media would run a big story about his offending, particularly because of the effect it would have on his friends and family. Fortunately for him, extensive attempts by journalists to get his photograph failed and he managed to avoid a high profile exploration of his offending in the media.

Other men also expressed concern at the way the media report crime, and shared first-hand experiences of the media behaving in ways they felt was unethical and sometimes dangerous. Jeff for example, said “I find that the media can vilify people” and went on to say:

I have a friend of mine who is still in jail... ah, he was, he went to jail 20 years ago – you know, he’s doing life – and, um, they’re still portraying him as the person he was when he went into jail... Which isn’t fair, ‘cause he’s not the same person. So why vilify a person in the media? And every time he comes up to parole this comes out... oh, he did this, he did that, he was this kind of nasty person, blah blah blah. You know, you’re talking two decades ago; ya know, he’s not the same person anymore, but he’s still being judged the same way.

Later in the interview Jeff went on to share that this particular friend has been eligible for parole for the past 10 years but had stopped going because every time he came up for parole they plastered his name all over the television screens and regurgitated all the negative narratives that had been constructed about who he was.

Similarly, Tom acknowledged that he was lucky to avoid high profile media scrutiny, and was very aware of how tough it can be for people who get thrust into the media spotlight:

Well, if the media blows it out of proportion then the community gets behind it, and they get a bit angry. Cos I’ve seen what it’s like for other people that have been portrayed by the media, and yeah... but it’s just, watching the community trying to drive them out of town.

When asked about being portrayed in the media, Cory also reflected on how glad he was that he hadn't been talked about. He felt that the media sometimes "glorified" crime and suggested some people might be proud to have their offending publicised, but said he would have been embarrassed if it had happened to him, and felt he would "probably be worse off":

It would be harder, just in general, in life, if you're famous for doing bad shit . . . you're labelled ay . . . walking round with a sign on your head.

Jeff also reflected on the problem of being identified by your crime, explaining the challenge of moving on with your life when people only know you for your crime:

I mean, I know for some guys, um, they've gone to jail, they've been in the news, and then they've gotta get out. And it's like, how do you get on with your life, ya know, when everybody know who you are, and what you've done?

While Rangi was also fortunate to avoid high profile media coverage, he expressed that media reporting on crime did have a very real impact on him. He reflected on a recent news article, saying:

They were talking about that school teacher in the news the other day. . . When you see it, for us, it's like they are talking about you. You feel it, what they are saying, like it's about us. . . It's hard cos it's [media coverage of crime] always there and you can't get away from it.

Not all the men were lucky enough to avoid media scrutiny, however. Rockie, for example, shared his experience of being talked about on *Police Ten 7* during one group meeting. Rockie reflected on his sadness at being referred to as an "evil and

dangerous monster” with a photo that made him look really tough and scary. He said that the programme warned the public not to approach him, and made him sound really nasty. This story was a real eye-opener because the Rockie I had come to know was bubbly and friendly, and always greeting me with a smile. I was shocked to think how easily programmes like *Police Ten 7* can manipulate a construction of someone to present an image that is so far from reality (Whatford, 2014). Further, this construction of Rockie marks him as a dangerous monster in the eyes of the public and will inevitably make it exceptionally challenging for him to find community and support in positive pro-social environments.

Challenging the Discourse and Questioning the Media Narratives

Given the strong sense that media portrayals of crime were detrimental, I was interested in discovering how the men felt the media might be able to do things better. When I asked Jeff this question he responded:

I think, just not looking at the world through your own eyes . . . Seeing it from other people’s points of view. What if that was me? What if that was my child? Would I be any different? Or Would I just be the same as them? Ya know, it’s easy to judge the world around you from your own eyes . . . it’s about seeing the world from other people’s perspectives. It gives you a better chance, and a better ability to respond more in an appropriate manner.

When asked how we might encourage people to see it from other peoples perspectives, Jeff suggested there was a need for “more stories, more information”. He went on to say that “you hear a lot of things about people, and people being the nature they are they make judgment calls all the time, but it doesn’t mean that tis true.” He further explained that he felt the media only gave

us “the nasty, raw, gritty stuff – because it sells papers. *But that is not the person*”. Jeff went on to share a story about Anthony Dixon – who was convicted of a particularly brutal and high-profile murder several years ago:

You see Mr Dixon on TV, and people are just like ‘oh, he’s just a fucking nutter, and blah, blah, blah’. . . . But, um, there’s no background information to the person himself. . . . Ya know, there’s no justifications for what he did – I’m not saying that – but, as a child, ya know, his old man treated him badly, he had a shit life, he probably turned to drugs and alcohol quite young. You know, he was always pretty – quite – mad when we knew him, and then he turned to meth and the cheese slipped off the cracker. And so, it’s not like he just, you know, one day he was a normal person, and the next day he was figgen chopping people’s hands off. There’s a whole history behind that of, you know, verbal and violent abuse from his father, and things like that that lead up to the person that he became today and finally died in jail. But none of that gets mentioned. What gets seen is a guy on the stand, with his googly eyes, with his fucked up haircut, and then they vilify him, straight away. You know, it’s always – straight away – ah, he was just a nasty evil friggen crack meth-head who walks around chopping people’s hands off. Well, yeah yeah, ok he was a nasty piece of work, *but*, he wasn’t born that way. The nasty piece of work was made by somebody else’s hand.

Jeff went on to explore how those labels the media use enable an offender to become that in the minds of the public, and asserted that this was incorrect:

The person’s not their crime. I’m not my crime. I committed a crime; doesn’t make me that crime.

This reflection perfectly reflects the discussion on the construction of one-dimensional criminal identities discussed in the previous chapter, and shows how Jeff has become consciously aware of how he, and others he knows, have been constructed in a narrow way that does not reflect their full identities by media and public discourses.

Jeff also felt that crucial aspects of people's identities were removed from media descriptions of them when they committed an offense; particularly concerns around the deemed offenders' mental health. He mentioned several other high-profile detainees he had met inside who he felt weren't "all there" and "shouldn't have been in jail; [they] should have been in a secure mental health unit – high security mental health unit”:

You know, they say ‘oh this is what this man did’, but they don’t talk about the fact that, you know, the guy probably had an IQ of 80. He wasn’t the sharpest tool in the shed; you know, he was, he was almost partly intellectually handicapped . . . but, you know, he’s a killer, and a rapist, and a murderer, and blah blah blah... but that’s it. Don’t deal with the problem ay, just put it in a cell and turn the key.

Here Jeff is expressing that if people were able to know more about these men's identities they would be able to cultivate more understanding, and appreciate the need for a more nuanced and thoughtful response to crime as the constructions we are fed, which are limited to criminalizing and narrow labels like ‘rapist’ or ‘murderer’, severely limit our ability to truly understand the causes of crime, and thus our ability to respond appropriately.

This sentiment was echoed by Tom, who when asked what would help people to be more accepting and less suspicious of past-offenders said “Um, get to know them before they judge them”. Like Jeff, Tom acknowledged the problem of being seen to be nothing more than your crime, and expressed frustration that people were often not able to see how much he had changed and grown. This was evidenced when he responded to my question asking what could make things easier for him to reintegrate. He said that he wished people would:

see us for what we’ve done while we’ve been in prison – like all the courses that people do while they’ve been in prison . . . They should see that instead of *just looking back* and going ‘well you’ve gone to jail, da da da’.

Tom, Cory, and Jeff all touched on what I believe to be a crucial problem with the way we currently talk about crime in New Zealand. The media and public discourse about offenders is based on decontextualised assertions about people without truly engaging in the lived realities of their lives or understanding the deeper motivations which may lead to offending. Further, sensationalised and fear-based responses to crime inhibit our ability to see the humanity and goodness inherent in those we speak about. It is my belief that, as is illustrated by *Songs from the Inside* and the insights offered by the men in this study, one way to counter this wilful blindness is through story. If I have learnt one thing over the past 12 months it is that if we truly knew the person behind this offender label we would no longer be able to hold on to our prejudices.

6. Conclusion

This study examines the dominant media discourses and ideologies surrounding crime and criminality in Aotearoa/New Zealand, how such discourses are constructed and legitimised by the mainstream media, and what implications these discourses have for the processes of rehabilitating offenders who have served time.

Bringing together insights from a critical discourse analysis (CDA) of mainstream media reporting on crime and an ethnographic investigation of the *Good Lives Model* (GLM) offender rehabilitation programme, this study focuses on the consequences of these dominant discourses for, and their effects on, deemed offenders. It looks, in particular, at how the dominant discourses and ideologies on crime and criminality contribute to the construction of offenders' self-identities, and the impact such identities have on patterns of offending and rehabilitation.

Implication of Media Discourses

This study is grounded in critical approaches which assert the central role of language and discourse in establishing and maintaining the dynamics of power that oppresses and marginalises certain groups, while privileging others. A critical analysis of the language and discourses embedded in mainstream media reporting allows us to recognise the entrenched assumptions and ideological underpinnings of communication and thus makes it possible to understand how public perceptions of crime and criminality are shaped (or reflected) by the media (Burr, 2003; Fairclough, 2005).

The exploration in this study revealed two key themes embedded in mainstream media reporting: *Otherisation* and *Crime and Punishment* (outlined in Chapter 4).

Otherisation refers to the ways in which people identified as criminal by the media are marginalised through the use of a number of linguistic tools and core assumptions/constructions which construct the offender as an 'other', a person outside what is assumed to be the mainstream social framework. The different ways in which offenders are constructed as an 'other' include constructing single dimension identities; depicting criminals as different from 'us'; stereotyping; constructing a unified criminal out-group identity; racial profiling; using dehumanising language; and disregarding offenders' privacy, safety, or human rights.

The discursive construction of *otherisation* is reinforced and maintained by the second core theme exposed by the CDA: *Crime and Punishment*. This theme refers to the way the media creates 'common sense' ideas about appropriate responses to crime. The naturalisation of a punishing and punitive culture which prioritises retributive justice and sustains the current incarceration-based policy framework is deeply embedded in the 'common sense' assertions and constructions pervasive in the media. The core assumptions and discursive constructions which underpin this key theme include capitalising on victims' emotions in order to promote retributive policies; drawing on and establishing unsubstantiated retributive assumptions (i.e. the effectiveness of deterrence-based responses to crime); constructing a victim-offender duality which positions any efforts to support deemed offenders as an affront to victims' rights; cultivating moral panic through unsubstantiated assertions about the nature and prevalence of crime; as well as presenting offenders as calculating and rational.

This excavation of the otherising discourses embedded in media reporting is critical, not only for what it reveals about the media outlets, but also because the

linguistic and rhetorical devices used in the reports provide a strong insight into the taken-for-granted or ‘common sense’ understanding of the individuals or communities engaging with the media communication. In other words, exploring the discourses prevalent in media reporting not only exposes the assumptions embedded in such texts, but also sheds light on the underlying discourses embedded in our wider society. Thus, the critical examination of the dominant themes and concepts in the media texts analysed in this study also unearths the often hidden ideologies and assumptions in wider public discourses on crime and criminality in Aotearoa/New Zealand (Hanvey, Philpot, & Wilson, 2011).

What does this mean for ‘Offenders’?

The dominant values, ideologies, and discourses embedded in mainstream media reporting on crime have significant implications for those deemed offenders. As described in Chapter 5, the ‘otherising’ discourses reflected in the media marginalised the lives of the men involved in this study, who had already served time for their crimes. The discourses not only had a debilitating impact on their sense of wellbeing and belonging as they sought to reintegrate back into the wider community but also had practical implications in terms of finding employment or accommodation. This marginalisation, in turn, often prompted a loss in confidence in the men and diminished their desire to successfully integrate into healthy pro-social communities.

As the voices of the men recorded in Chapter 5 illustrate, the discourse of marginalisation and discrimination is experienced by the former offenders in the way they are treated by members of the public, including sections of the police force, probation officers, and representatives of other agencies.

Navigating the Discourses

As well as exposing the struggle of former offenders in finding their feet within the community, the ethnographic investigation revealed a nuanced negotiation of identity whereby the men drew on different frames and discursive positions (Drewery, 2005) to access agency or cultivate a positive sense of self (Burr, 2003). This was seen, for example, in the way some participants actively distanced themselves from an offender sub-group while others highlighted the complexity of their identities and rejected a dualistic construction that positioned them as wholly 'bad'.

It was also common to see participants showing an apparent acceptance of the otherising discourses they lived within, often alluding to the legitimacy of their experiences of marginalisation by acknowledging how their own past actions had positioned them in this way. This was evident when the men expressed the need to accept discrimination "because of our choices and pasts." Such acceptance of the dominant marginalising discourse can be understood in two potential ways: either that the participants have taken-on and internalised the otherising discourses or they are engaging in a nuanced negotiation of power, whereby the men employ the frames and language of the dominant discourse in an attempt to access agency within an oppressive framework.

The Place of Resistance

While the men largely appeared to accept the otherising discourses – working within those frames to cultivate a sense of self that meshed with the wider community – there was also evidence of the men resisting the marginalisation of their identities. For example, some men drew on a strongly held sense of justice to validate their place in the community and reject the marginalisation they

experienced from day to day; particularly through the expression of having “done their time”. There was also a strong theme of not wishing to be defined by their offending. This was particularly evident in the assertion that a “*person’s not their crime*”, as well as expressions of wanting to be seen for the positive changes they had made over their lives.

The men also actively affirmed each other’s identities as well as their own by expressing that they were “not bad people, just people who had made mistakes”. Such overt resistance was less common, however. More present was the expression of a desire for understanding and belonging; particularly in the expression that a better understanding of their lives and lived realities would encourage the wider community to be more empathetic and inclusive.

Media Narrative and the Role of Story

The CDA and ethnographic investigation together emphasised the need to cultivate a much more inclusive and reasoned discursive framework for exploring ideas around crime and criminality in Aotearoa/New Zealand. From the CDA it was clear that sensationalist and decontextualised reporting on crime existed within, and contributed to, a discursive framework which otherised those deemed offenders. This sentiment was further exposed in the ethnographic study in the men’s experiences of being otherised and facing prejudice. It was clear from both the CDA and ethnographic investigation that in order to challenge these destructive discourses, the media and public conversation needs to shift away from decontextualised assertions and fear-based sensationalised responses to crime. Such discourses inhibit our ability to engage with the lived realities of those involved in the offending and see the inherent humanity behind the offender label.

It appears that the dominant discourses within mainstream media conversations are deeply rooted in a retributive neo-liberal ideology, and in the absence of a workable alternative it is easy to imagine these current discourses, and the values embedded within them, as almost inherent and unchangeable. However, this thesis concludes that one way to counter this wilful blindness is through the use of *story*.

As the documentary series aired on Māori Television – *Songs from the Inside* – shows, the use of story can challenge dominant discourses on offenders by exploring the multiplicity of the person’s identity, and inviting them to share many different aspects of their life’s narrative with the viewer (Arahanga, & Roderrick, 2011). While *Songs from the Inside* sits outside of what might be considered mainstream news media it provides an important model for how media could do the conversation differently, and how the destructive discourses outlined in the findings of this thesis can be successfully challenged.

The greatest insight revealed by *Songs from the Inside*, and one I have learnt in the participant observation section of this study, is that when we are able to see the full story, and therefore the full humanity, of the person we talk *about* in our marginalising discourses the fears and prejudices can be dealt with and the conversation can shift.

Looking Forward

In sum, this study has investigated the dominant media discourses and ideologies surrounding crime and criminality in Aotearoa/New Zealand, and how they are constructed and legitimised by media reporting of crime. It has also explored how these discourses are contested, and sometimes reinforced, by those involved in the *Good Lives Model* programme at *Anglican Action*. The case of the *Anglican Action* programme has been further used to investigate the ways dominant media

discourses and ideologies surrounding crime and criminality contribute to the construction of offender's self-identities, and the impact this has on offenders' patterns of offending and rehabilitation. This thesis does not endorse any kind of criminal offending nor does it in any way seek to minimise the pain and suffering of any potential victims of crime. Rather, it argues that a dualistic understanding of crime, and a binary relationship between victims and offenders, only inhibits our ability to look at the issues surrounding crime and criminality with clarity.

Identities and self-perceptions are socially constructed in relationship with others. Thus, the dominant ideologies and assumptions which surround notions of crime and criminality have pervasive effects on the identities of those they speak of. This study has provided a better understanding of the implications dominant cultural discourses have on those within the justice system, and their ability to move into crime-free lives.

At a recent public forum, Mt Eden prison chaplain, Denis Bumbury expressed the need to look at the relational aspects of rehabilitation, and emphasised the central importance of offender identity and self-perception within this process. Mr. Bumbury suggested the most important thing we can do to reduce reoffending and support someone coming out of prison is to build relationships, and challenge the one-dimensional identity we as a society ascribe to those caught up in the justice system. This means we need to start to see people within the justice system for who they are: brothers and sisters, sons and fathers – people who are much more than the sum of their sins (just like the rest of 'us'). As a society, we have crafted discourses which remove our collective responsibility for the wellbeing of others, and turn the most vulnerable within our community into cultural scapegoats – upon whom our own anxieties can be projected in the form of blame.

As Bumbury explained, these discourses not only create social alienation and stigma, they may well be a central contributor to the high occurrence of reoffending in Aotearoa/New Zealand.

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Appendices:

Appendix A:

Participant Information Sheet

Waikato Management School

Te Rauapa



Dear Participant,

You are invited to participate in an interview process as part of a Master's research project for MCOM593 at the University of Waikato.

The aim of this project is to look at how language and conversations, particularly those we hear in the media, impact on your own identities, and affect your ability to live good lives.

In order to investigate this, I would sincerely appreciate the opportunity to have a conversation with you in order to hear your own thoughts and experiences with regards to media conversations, and how they may impact on you.

The interview will take approximately 45 minutes of your time, and will provide me with very useful information, which I hope will be used to help improve the way we support people trying to live good lives, and challenge the assumptions people in the wider community make about people within the justice system.

Please note that this interview is totally voluntary and you have the right to withdraw from answering questions it at any time. All responses will be kept totally confidential and will be reported using false names to ensure your safety and privacy.

The project is being carried out by Murray Riches, under the supervision of Dr. Debashish Munshi.

If you have any questions please do not hesitate to contact Murray Riches via e-mail at mrhr1@waikato.ac.nz or by calling 027 332 5976.

Thank you for taking the time to consider participating in this research project. I appreciate your valuable contribution.

Appendix B:

Contact Information:

If you have any questions about the project you can contact me directly:

Murray Riches
Phone: 027 332 5976
E-mail: mhr1@waikato.ac.nz



If you have any concerns about the research and would like to talk to my supervisor, you may contact him directly:

Dr. Debashish Munshi
Dept of Management Communication,
The University of Waikato,
Private Bag 3105,
Hamilton 3240
Phone: + 64 7 838 4450
Fax: + 64 7 838 4358
Email: munshi@waikato.ac.nz

Media, crime, and identity: An invitation to participate

Murray Riches



What is this mahi about?

Kia ora guys,

Thanks for considering taking part in this project with me.

This project is an opportunity for you to share your stories, experiences, and views, and be heard in a different way.

The aim is to look at how language and conversations, particularly those we hear in the media, impact on your own identities, and affect your ability to live good lives.

To help me write about this, I would really appreciate the opportunity to have a conversation with you in order to hear your own thoughts and experiences with regards to media conversations, and how they may impact you.

**WE ALL
HAVE
A STORY
TO TELL.**

Your role:

To be involved, you just need to be open to having a recorded conversation with me.

You can choose to have a one on one conversation with me, or be involved in a group discussion with the other men, or both if you wish.

The conversations will be at a time that suits you, and can be as short or long as you wish. You can stop or leave at any point, and you only need to talk about the things you want to.

How is the recording protected?

All the stories and thoughts you share will be kept in a locked laptop and will only be accessed by myself (Murray) and my supervisor.

Annonminity:

Your identity will not be revealed in the study, and everything you share will be written about using a fake name to ensure you privacy is maintained.



Confidentiality:

Everything you share with me will be kept confidential, and will not be shared with anyone else.

We don't talk about each others stories outside of the group, so it is up to each of us to maintain others confidentiality in the group discussions.

Publication:

I hope to use the information you share with me in my research. This means your stories and thoughts may be published (under a fake identity) in academic journal articles and other publications.

Feedback:

If you are happy for me to attempt to contact you at the completion of the research, I would like to share some of the results study with you.



Appendix C:

Consent Form for Participants

Waikato Management School
Te Rauapa



Constructing and Reconstructing Criminality in Aotearoa/New Zealand

Consent Form for Participants

I have read the **Information Sheet for Participants** for this study and have had the details of the study explained to me. My questions about the study have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I also understand that I am free to withdraw from the study at any time, or to decline to answer any particular questions in the study. I agree to provide information to the researchers under the conditions of confidentiality set out on the **Information Sheet**.

I agree to participate in this study under the conditions set out in the **Information Sheet** form.

Signed: _____

Name: _____

Date: _____

Researcher's Name and contact info:

Murray Riches
Great South Rd,
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Ph: +64 027 3325976
Email: mrhr1@waikato.ac.nz

Supervisor's Name and contact info:

Dr. Debashish Munshi
Dept of Management Communication,
The University of Waikato,
Private Bag 3105,
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