

The assumptions are biased against people of lower social status. Findings parallel those of a similar Swedish study where it was found that abuse was not assessed in terms of some attribute of the child—physical or behavioural, or state of cleanliness or something of that sort—but rather in terms of inference from the social circumstances of the child.

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

One could say in conclusion that our consideration of these two relatively broad categories of non physical abuse has revealed much that was not previously classified under the heading of neglect. Some consider the tag 'neglect' to be more appropriate. It would indeed be ironic if just at that stage when child welfare practices, like protection from moral danger, were being introduced because of their class and gender bias the scientific and social image of abuse registrations afforded new opportunities for the exercise of the social control of the poor.

### Bodgies and Widgies

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

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

The stages identified were:

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

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

<sup>2</sup> Stanley Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. (London: Paladin, 1973)

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

Alert on Gang War! Knives Out in Bayside Clash

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

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

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

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

#### J. R. Ewing

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

<sup>3</sup> Humbert Nelli, 'Overview' in Robert J. Kelly (ed.), *Organized Crime: A Global Perspective*. (Totowa, N. J.: Rowman and Littlefield, 1986).

<sup>4</sup> *op. cit.*

<sup>5</sup> Barbara Basler "Bad Guys" Wear Pin Stripes', *New York Times*, 29 January, 1987, pp. D1, D7.

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

#### Corporate Offenders and the Media

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

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

#### Intolerance for Corporate Crooks, Understanding for Robbers and Rapists?

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

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

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

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

### The Curriculum of Crimes

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

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

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

### Beyond Coercive Determinism: Beyond Tolerance and Understanding

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

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

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

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

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

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

<sup>7</sup> John Braithwaite, *Shame and Reintegration: A Theory of Crime*, submitted for publication.

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

## PRESENTATION OF PAPER

*Dr John Braithwaite*

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

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

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

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

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

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

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

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

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

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

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

2. Shame not only specifically deters a shamed offender it also generally deters many others who wish to avoid shame and who participate in and become aware of the incident of shaming.
3. Both the specific and general deterrent effects of shame will be greater for persons who remain strongly attached in relationships of inter-dependency and affection because such persons will accrue greater inter-personal costs from shame and that is one reason why re-integrative shaming makes for more effective social control and more just social control than stigmatization.
4. A second reason for the superiority of re-integrative shaming over stigmatization is that stigmatization can be counter-productive by breaking attachments to those who might shame future criminality by increasing the attractiveness of groups which might provide social support for crime.
5. However, most compliance with the law is not achieved through either specific or general deterrence. Most of us comply with the law most of the time *not* because we rationally weigh our fear of the consequences of detection against the benefit of the crime but because to commit the crime is simply unthinkable to us. Shaming is the social process which leads to the cognition that a particular type of crime is unthinkable. Cultures where the social process of shaming is muted are cultures where citizens often do not internalize abhorrence for crime.
6. Once consciences have been formed by cultural processes of shaming pangs of conscience then become the most effective punishment, because whereas conscience delivers a timely anxiety response to every involvement in crime other negative reinforcers such as incarceration are delivered unreliably or with delay.
7. Shaming is therefore both the social process which builds consciences and the most important backstop to be used when consciences fail to deliver conformity.
8. Gossip within wider circles of acquaintances and shaming of offenders not even known to those who gossip are important for building consciences because so many crimes will not occur in the direct experience of limited groups like families, or school classes. Societal instances of shaming in the media remind parents and teachers of the need to moralize with their children across the whole curriculum of crimes.
9. Public shaming puts pressure on parents, teachers, and others to ensure that they engage in private shaming which is sufficiently systematic. Public shaming increasingly takes over the role of private shaming once children move away from the influence of the family and school, and that is one reason why public shaming by media reporting of decisions of courts of law has a more important role to play with strictly adult offences like crimes against the environment than with predominantly juvenile offences like vandalism.
10. Public shaming generalizes familiar principles to unfamiliar or new contexts. It integrates new categories of wrongdoing which may arise from technological change, for example into pre-existing moral frameworks. Public shaming transformed the loss of life in the battle at My Lai into a

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

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

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