

2017

## The progress of anomie in Australia between 2001 and 2011

Sharan Kraemer  
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**The Progress of Anomie in Australia between 2001 and 2011**

This thesis is presented for the degree of

**Doctor of Philosophy**

**Sharan Kraemer**

Edith Cowan University

School of Arts and Humanities

2017

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*Dedicated to my Mum, Betty Kraemer who never stopped encouraging me.*

## **Abstract**

The fundamental social structures of Australia and the Western world in the modern era differ greatly from those of *fin de siècle* France and the post-Depression industrialised West; yet, similar individual human responses to stressors remain. The sociological insights of Émile Durkheim and Robert Merton presented in their theories of Anomie and Strain provide a guide to understanding this.

The present research considered the confluence of pressures that flowed from the changes to social structures in Australia after the attacks of September 11th, 2001, in an environment in which people felt increasingly unsettled and insecure. It positioned the changes within the global context of a broad range of social and structural developments in the Western world. This thesis argues that one of the responses to upheavals and disorder is increased levels of punitiveness, one of the reactions described by the Strain theory that extended our understanding of the behavioural responses of people living in a state of Anomie.

Starting in January 2001, a study of the attitudes of the Australian population to crime and punishment is used as evidence for this contention. The attitudes are discoverable through the records of the print media and the Legislatures from two periods a decade apart, 2001 and 2011, and across two Australian jurisdictions, Western Australia and Victoria.

The analysis of these records identified a complex interconnection of three equally powerful elements: the media, the Legislature and the public. From this, the model of the Triangle of Power was developed to illustrate how each element reflects both the community mood and incites it. As postulated, the results of the analysis of both sets of data verified an increase in punitiveness that confirmed the existence of Anomie in the early twenty-first century which was revealed through.

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## **Chapter 1: The Circumstances of the Modern Western World**

In the Western world, we appear to be at a pinnacle of our social, intellectual and technological evolution, high on the tree of progress, from where we can look ahead with confidence and look back with satisfaction; and smile at the quaint old-fashioned ways of our forebears. We are healthier, wealthier and smarter than we have ever been in the history of humankind; we have access to more information and knowledge; we can communicate with each other more readily than ever before; and we can broadcast our unedited opinions to complete strangers (Willmott & Nelson, 2006; Veenhoven, 2010). President Obama addressed a town hall gathering in London: “The world has never been healthier, it’s never been wealthier, it’s never been better educated. It’s never been less violent, more tolerant than it is today.” (McVeigh, 2016). In Australia, we are more affluent than our parents’ generation and as a nation, we are wealthier by Gross Domestic Product (GDP) per capita than our nearest neighbours (Centre for International Trade, 2015).

In civic matters, more people participate in and vote for their government than at any time in recorded history (Willmott & Nelson, 2006), and our votes are informed by freedoms of speech, assembly and the press, among others, embodying the democratic ideals of transparency and the free flow of information (Hollyer, Rosendorff & Vreeland, 2011). Leaders of Western nations are watched more closely and evaluated more penetratingly than ever before in recorded history, making them more accountable and more exposed to criticism, both personally and professionally. Technology and communications have advanced to allow our governance procedures to be scrutinised and judged so closely that we can even rank them according to a measure of their degree of corruption (Transparency International, 2015).

However, rather than revelling in these advancements and the results of our human achievements—enjoying the results of the cumulative efforts of our and previous generations—we appear to be critical and anxious; prey to fears generated by events whether they occur around the corner or around the world. In general, in Western democracies in the early twenty-first century, it appears that we are more negative, less tolerant and less patient; and more prepared to criticise, deride and punish (Allen, 2008; Bolton et al., 2013; Cardaras, 2013; Costelloe, Chiricos, & Gertz, 2009; Cox, 2013; Daems, 2007; Davis & Dossetor, 2010; Green, 2010; Hutton, 2005; Johnson, 2009; Lawrence, 2006; Matthews, 2005; Pratt & Clark, 2005; Pratt, Brown,

Brown, Hallsworth, & Morrison, 2005; Roberts & Indermaur, 2007; Snacken, 2010; Torres & Bergner, 2012; Velasquez & Lincoln, 2009). Every day we hear about crimes and offences, locally and internationally, placing us in a state of heightened tension; causing increased concern about our personal safety and national security. We urge for more stringent protections and we urge for tougher punishments. Our outlook is reflected through the public forums of all media, electronic and print, and through the legislation, debated and enacted. What is happening to us? Why are we not bestriding the world like a Colossus?

I believe that we are in a state of Anomie, and exhibiting the behaviours described by the Strain theory. The upheavals and anxieties that we are experiencing are as socially harmful as those experienced by the community in late nineteenth century France and our behaviours are similar to those of an anxious and unsettled society in the post-Depression West. This is not a new situation in world history: across the ages, societies have experienced disturbances to their communal wellbeing, and this is sometimes the catalyst for social change. However when the disturbance is far-reaching and the scale is vast, the impact is profound. During the period known as the *fin de siècle* in France, French sociologist and philosopher Émile Durkheim [1857-1917] noted that the Depression of 1873–79 brought about a rupture (*dérèglement*) between the community's long-held habits and rules and its expectations and opportunities; this is the phenomenon known as Anomie (Durkheim, 1897/1951).

A similar state was experienced throughout the Western world during the Great Depression following the Stock Market Crash of 1929 (Friedman & Schwartz, 2008). Observations by Robert Merton [1910–2003] of the range of human behaviours in the face of the ensuing hardships led him to contemplate the existence of Anomie at that time and to develop the Strain theory, which identified and classified the community's five main responses to anomic circumstances (Merton, 1938).

Punitiveness at a community level is one of the behaviours predicted by the Strain theory. In prosperous Western democracies of the twenty-first century, factors such as uncertain employment, global financial collapse, 24 hour news and terrorist threats have become factors in the path towards Anomie, precipitating Strain behaviour and an increase in loss of power. When we are uncertain or fearful, we focus our attention on those matters over which we can exercise control. Increasing the severity of punishments in our own jurisdiction is one way that we feel we are reasserting our authority and restoring order. Paradoxically, the focus on crime and punishment

amplifies fear, leading to an even greater increase in the severity of the punishments. This is 'punitiveness'.

Punitiveness is an abstract concept that is manifested through the attitudes of individuals and communities. National and international commentators in the fields of public policy and social justice assert that it has increased across the Western world in recent times (Allen, 2008; Costelloe et al., 2009; Cox, 2013; Green, 2010; Hutton, 2005; Lawrence, 2006; Matthews, 2005; Pratt & Clark, 2005; Pratt et al., 2005; Roberts & Indermaur, 2007; Snacken, 2010; Torres & Bergner, 2012; Velasquez & Lincoln, 2009). No nation state in the West has escaped the shift in attitude, not even Scandinavian countries that have long-standing reputations for more liberal approaches (Walmsley, 2003, 2012) than others.

Punitiveness is an indicator of concern for social breakdown, and it beguiles people into believing they have reasserted control (Gerber & Jackson, 2015). In the present context, it suggests control through the precept that if a light punishment does not stop offending behaviour, then a harsher punishment for the same crime, certainly will. It revives the old-fashioned view of retribution that sits uneasily alongside the contemporary 'enlightened' view of rehabilitation and restorative justice, and ignores the influence of circumstances that are predictors or triggers of offending behaviour.

The first step towards the confirmation that we are in a state of Anomie is to prove an increase in punitiveness. I propose to demonstrate in a three stage process that we have travelled down the path to Anomie: Stage 1 is to examine primary source material over a ten year period, 2001 – 2011, to reveal community unrest and subsequent punitiveness over a period of time; Stage 2 assembles a range of momentous social challenges for Australians, over a ten year period, 2001 – 2011; and Stage 3 canvasses changes that have altered and undermined fundamental social structures in the Western world over a ten year period, 2001 – 2011.

The primary source materials for Stage 1 are the two stable barometers of our society, the daily media and the Legislature. The media reflect and direct community sentiment through paper-based and electronic repetition of events that make up the news. The Legislature, the highest body of sovereign authority in a polity, responsible for laws and the peace and good governance of all of the people (Phillips, Black, Bott, & Fischer, 1998), also reflects the social circumstances of the times and the community mood. The attitude of the public both influences and is fostered by the actions of the media and the Legislature.

In modern Western liberal democracies, the media and the Legislature record the social environment, and reflect and reveal community concerns and anxieties. The principles of 'liberalism' articulated during the Enlightenment, advocated for a society free from government intervention and included the growing middle classes in the political process (Gaus, 2003). Eventually this evolved to allow all enfranchised citizens to participate in the democratic process; therefore, these two sources are a direct line into community mood. One topic that galvanises whole communities is crime.

The attention of the media and the Legislature to matters of crime and punishment is not new, because in Australia, 'law and order' is often high on the manifesto of every political party, because it plays to the fears of the average voter. It is an area that gains good coverage in the media and is the subject around which most reactive legislation is created (Sarre, 2011). In the early twenty-first century, we are increasingly sensitive to crime reports, whether or not they are correct (Allen, 2008; Bolton et al., 2013; Cardaras, 2013; Costelloe et al., 2009; Cox, 2013; Daems, 2007; Davis. & Dossetor, 2010; Green, 2010; Hutton, 2005; Johnson, 2009; Lawrence, 2006; Matthews, 2005; Pratt & Clark, 2005; Pratt et al., 2005; Roberts & Indermaur, 2007; Snacken, 2010; Torres & Bergner, 2012; Velasquez & Lincoln, 2009). This is an indicator of a level of fear and discontent at a broad social level regardless of the actual crime rate (Bendor & Swistak, 2001; Pratt et al., 2005; Sarre, 2011). Discussions about crime and its consequences are common on talk-back media, and feature strongly in blogs and electronic chat rooms.

For Stage 2, I will examine the significant national events that occurred during the same period as the media and legislative records accessed for Stage 1, 2001 - 2011. These events produce some of the triggers for reactions from the media or the Legislature in Australia and therefore underpin an examination of Anomie and Strain. Stage 3 is the survey of the global backdrop of our lives that looks at the changes to the basic elements of our social structures and the influences they bring to bear on the daily lives of the people of the Western world.

I began this research because I was puzzled about why Western Australia (WA) appeared to becoming more punitive. However, it soon became apparent that other Western liberal democracies are experiencing similar changes. The starting point for a study had to be a single event that affected all Western nations.

## **The ‘Tipping Point’<sup>1</sup>**

Many events that have taken place nationally and internationally have been deplorable and catastrophic, affecting the lives of many people—even those who were not directly involved in them; modern communications allow the instant broadcast of such news and information. However the ‘tipping point’ for this research, one single shocking and horrifying event, far more harrowing than anyone could have imagined and whose effects were felt around the world, was the physical attack on the United States (US) on September 11th, 2001 (known hereafter by its colloquial name ‘9/11’). This became the benchmark against which subsequent events were measured.

Two hijacked passenger aeroplanes flew into the twin towers of the World Trade Centre in New York, a third into the Pentagon and a fourth into a field, instantly killing a total of 2,996 people, of whom 11 were Australian (Galea et al., 2002). The magnitude and audaciousness of the attacks placed them in the small catalogue of world events for which people remember where they were at the time. There was already a degree of societal unrest in the Australian community with respect to immigration and refugees, but the attacks on the twin towers, became the tipping point for shifts in attitude, and after which unrest seemed to coalesce.

These events also caused a profound shift in the psyche of the world (Galea et al., 2002), as amateur footage was broadcast live on free-to-air television stations and radio stations. In Australia, it was covered by all electronic media outlets. Because the events took place, at 8.35 pm in WA, the vast majority of Western Australians were settling down to watch night-time television only to have all programs replaced by vision of the attacks. It was shown in real time and when nothing further appeared to be happening, broadcasters showed again and again, with or without sound, the video footage of the passenger planes flying into the twin towers; mesmerised and horrified viewers were glued to their televisions.

It was a single transformative crime, unmatched in recent world history, happening apparently without warning. It shook the people of the US and the rest of the Western world, first causing a state of disbelief—surely this was the plot of a movie?—and then kindling a heightened state of apprehension and foreboding. The attack was made on the financial hub of the leader of the Western world, the US, but it

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<sup>1</sup> The tipping point is that “magic moment when an idea, trend, or social behaviour crosses a threshold, tips, and spreads like wildfire” (Gladwell, 2002).



was not a conventional attack; no war had been declared, no bombs were planted, no shootings took place and the victims were civilians. Further, the attackers had appropriated ordinary passenger flights to reach into another country's 'backyard', to sidestep all border controls and to wreak havoc. They had denied the target country any right to welcome or refuse them, and then to add to the insult, the attackers had chosen as their weapon of attack, a symbol of modernity—normal passenger flights. Therefore, 9/11 is a practical starting point for examining changes in society that accelerated the slide of the community outlook towards Anomie.

Until this moment, the world had endured many disasters, either natural or human induced, and communities had learned to accept them and indeed sometimes had prepared contingency plans for managing them. Natural disasters in Australia occur almost annually with devastating floods or ferocious bushfires that nearly always include a fatality; we have had human-induced disasters such as the 1996 massacre at Port Arthur, Tasmania, in which one man killed 35 people and wounded 23 others, or the 2017 incident in Bourke St, Victoria in which a man drove his car at pedestrians, killing 5 and injuring 31. On an individual level, experience has taught people to expect and manage changes and upheavals at work, in the economy, and in their lives, but nothing had prepared us for the 9/11 attack.

Authorities in many Western countries, not just the US, made every effort to address the disquiet of their communities and moved into a defensive stance, increasing the protection of their borders, which included the strengthening of immigration procedures and the screening of luggage and freight, and the increasing of the power of customs officers (Bendor & Swistak, 2001; Zhao & Cao, 2010). Under normal circumstances, the strengthening of the border controls would have undoubtedly brought a sense of relief to the people, reassuring them that their governments would protect them. However, the attacks were improbable and unpredictable (Taleb, 2007): no amount of preparation or warning could have prevented them and no existing defensive procedures would have been able to prevent similar attacks in the future. This awareness reinforced the vulnerability of the citizens of the Western world in the face of the determination and creativity of an attacker (Bendor & Swistak, 2001; Zhao & Cao, 2010).

Authorities in the US proceeded to seek out the perpetrators using all of the known methods of investigation. When it was discovered that the pilots of the planes were from a number of Middle Eastern nations and had been living and learning in the

US for years, building relationships, befriending locals and living among them, there was an upwelling of fear and unease towards all people of difference, especially people with Middle Eastern backgrounds. With the discovery of the identity of the mastermind, a Saudi citizen, Osama bin Laden, US authorities initially focussed their censure on his organisation, Al Qaeda. Many commentators at the time were unable to distinguish between specific groups or sections within Middle Eastern cultures or religions and were therefore unable to separate the vast majority of horrified but silent populations from their politically active comrades (Poynting & Mason, 2008).

Elected political leaders across the globe appeared no more knowledgeable (Poynting & Mason, 2008), causing some citizens to question all that they had taken for granted; not only their tolerance of religious and ethnic diversity, but the very fundamental underpinnings of the security of their lives—that they would be safe in their own homes, in their own workplaces, going about their own businesses. They were not actively participating in any war, but their liberal Western ethos had an enemy with whom they were unfamiliar and against whom they were defenceless; an enemy who could reach across their borders without warning and attempt to destroy them.

At the time of the attacks on the World Trade Centre, the extent of the impact on the people of the Western world was not known. After a decade, however, it is possible to identify the elements of the disintegration of both the social bonds and the trust that people can expect to have in the world around them, with a great many people feeling unsettled as if the ground were shifting under their feet and the social rules were changing (Bellah, 1973; Bendor & Swistak, 2001; Thompson, 1985; Zhao & Cao, 2010). Although we did not realise it at the time, despite previous large scale terror attacks, 9/11 was the new type of global catastrophe.

### **Consequences of 9/11**

Politicians and the media play an important role in the education of the public, and at the time of the 9/11 attacks, their silence in some cases, and their lack of clarity in others, did nothing to quell an upsurge of anxiety in the general community. Anxious and angered citizens condemned first the attacks, then the religious group from which the attackers arose, and then in an example of indiscriminate discrimination, entire sectors of global geography (Everett, 2010).

This precipitated a shift in the attitudes of the West. We became suspicious, even fearful of anyone who looked Middle Eastern, reviving the old movie stereotype of

the heartless and brutal villain from the Middle East (Shaheen, 2003). Hollywood, always needing a movie villain, had been in the habit of casting Middle Eastern men in the role of the villain, depicting them as “brute murderers, sleazy rapists, religious fanatics, oil-rich dimwits, and abusers of women” (Shaheen, 2003, p. 172). They were gradually replaced by other stereotypes, such as Eastern Europeans; however, despite our undoubted levels of education and sophistication, the celluloid image of the “sneaky Arabs, those dirty, filthy swine” was resurrected (Shaheen, 2003, p. 178). This had a profound and sustained effect upon tolerance in the West, and introduced a level of disquiet in Australia about the proximity of Indonesia, the largest Muslim nation (Lewis, 2006).

A direct result of this shift in attitudes was the frequent use of the word ‘terrorist’ to describe those people who actively sought to destroy the governments and institutions of their enemies. This was the catalyst for the Second Gulf War, the so-called ‘war on terror’, which linked the attacks with a cache of ‘weapons of mass destruction’ allegedly held by Iraq (Cardaras, 2013; Duvall & Marzec, 2011; Everett, 2010). The First Gulf War, in the 1990s, had been viewed with disquiet by families and friends of participating military. The Second Gulf War (March 2003–December 2011) was mounted by the US and the ‘Coalition of the willing’—30 countries including the United Kingdom (UK) and Australia (Cardaras, 2013; Duvall & Marzec, 2011; Everett, 2010)<sup>2</sup>. Erroneous links had been made between Osama bin Laden, the leader of Al Qaeda, and the President of Iraq, Saddam Hussein, which over 18 months, repeatedly served to remind people of the way in which the ‘Arab’ (Shaheen, 2003, p. 172) terrorists had undermined their trust and security (Cardaras, 2013). The growing intolerance towards ethnic and religious diversity was a consequence of the 9/11 attack and the subsequent actions of western nations towards the Middle East (Cardaras, 2013; Dandy & Pe-Pua, 2010; Dunn, Klocker & Salabay, 2007; Poynting & Mason, 2008).

The public view of the Second Gulf War differed for two main reasons: first, it was underpinned by the global alarm triggered by 9/11; and second, it was broadcast live, 24 hours a day to a waiting, receptive and fearful (Duvall & Marzec, 2011; Everett, 2010) world-wide audience. Although the watching Australian public had preconceived

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<sup>2</sup> Afghanistan, Albania, Australia, Azerbaijan, Bulgaria, Colombia, the Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Hungary, Italy, Japan, South Korea, Latvia, Lithuania, Macedonia, the Netherlands, Nicaragua, the Philippines, Poland, Romania, Slovakia, Spain, Turkey, United Kingdom and Uzbekistan (Cardaras, 2013).

notions about wars, most had never seen a war conducted live. The television coverage direct from ‘embedded’ journalists (Baum & Groeling, 2009; Walters, 2009) also reminded people that they had cause to be uneasy about some Middle Eastern people, despite already knowing the fundamental differences in ideology between Saddam Hussein from Iraq and Osama bin Laden from Al Qaeda, (Cardaras, 2013; Shaheen, 2003). The community was included in the public dialogue about retaliation, but rather than evaluating evidence and questioning motivations, they accepted it, rather like victims of shell shock (Baum & Groeling, 2009).

The reactions to the events inflamed a ubiquitous fear of crime in the collective mind of the people of the West; held by some to be post-traumatic stress (Huddy & Feldman, 2011; Wisman, 2014)—in which the sufferer exhibits recurrent symptoms of avoidance and hyper-arousal (Galea et al., 2002)—and by others to be a symptom of the ‘shadow hypothesis’, which argues that people who have been sexually assaulted are shadowed by a fear of crime, so that it colours their reaction to any subsequent experience, even one of lesser impact (Hilinksi, 2009).

The amplified fear of crime appears to have created a state of unease or anxiety. Giorgio Agamben identified a similar state of mind in the concentration camps of World War II and called it the ‘state of exception’. However, after 9/11, he declared that the state of exception appeared no longer to be an exception and that a state of siege or uncertainty is now ‘normal’ (Agamben, 2005).

The upheaval of the social order was similar to that witnessed and named Anomie in 1897 by Durkheim, to explain the *dérèglement* that arises in times of rapid social change, and existing rules, habits and beliefs that no longer hold currency (Bellah, 1973; Thompson, 1985). In 1938, Merton and his contemporaries from the University of Chicago extended Durkheim’s ideas to develop the Strain theory to categorise adaptations to a state of Anomie (Merton, 1938). Societies were the focus of both Durkheim and Merton, and the development of their respective theories of Anomie and Strain arose from their desires to explain human behaviours (Merton, 1938; Thompson, 1985). Both describe the responses of people continually pushed beyond their expected levels of anxiety and stress, causing them to adopt more extreme attitudes, which, in the case of matters relating to crime and punishment, equates to the desire for harsher and more punitive responses.

The casual observer might think that increased punitiveness was a reaction to increased crime rates. However, the Australian Bureau of Statistics (ABS), which produces and disseminates statistics on Australians and their lives, including data relating to the society, economy, industry and environment, showed that most crime in Australia, with the exception of violent assault, has been decreasing on a per capita basis since 1996 (ABS, 2012); therefore, researchers must ask why the public appears to be more enthusiastic for stricter and longer punishments. The first possibility is that larger numbers of people are being personally victimised by fewer crimes; the second is that there has been an increase in reporting crimes to police; and the third is that more people are being made aware of criminal activity than in past years. The first is unlikely because statistics have shown a decrease (ABS, 2012; Callanan, 2004). The second is also unlikely because the increase in reporting only produces an appearance of an increase in crime rates, rather than an actual increase (Bricknell, 2008). The third is the most likely reason due to the increase in the coverage of crime by both private media (including social media) and public media (Callanan, 2004).

### **The public, the media and the Legislature—the Triangle of Power**

The dramatic reporting of all crime by the media and the demands on the government to tighten legislation contribute to a perception in the collective mind of the public that crime is worse than it ever has been, that they are not safe and that there is a need for harsher penalties (Roberts & Indermaur, 2007). Effectively, the public sentiment “holds sway over rational argument and analysis” (Pratt & Clark, 2005, p. 304), which then influences law makers to respond with new statutes; for example, it was the persuasive public voice that led to the implementation of tough mandatory sentencing laws in some Western liberal democracies. An example of this is the so-called ‘three strike laws’, introduced into California and WA, for example, which require that a person convicted for the third time of a similar offence be sentenced to automatic imprisonment, no matter the seriousness of the offence.

Media reports intensify public fear of crime and initiate legislative action; or the legislative action generates media reports and precipitates public reaction; or the public action prompts media reports and legislative reaction. This is the Triangle of Power with each reacting to the other two. In a Western liberal democracy, the media has a right and an obligation to report news fearlessly and frankly; the people receive their information from this free media and have a right to make their views known; and the

Legislature has a right to be responsive to its constituents and a responsibility to make laws for the good governance of the people who elect it.

Research has confirmed the relationship between media reports, the public view and the Legislature (Dowler, 2003); this was shown in early studies (Gunter, 1987; Liska & Baccaglini, 1990; Skogan & Maxfield, 1981; as cited in Dowler, 2003). When the general mood is such that the Legislature is impelled to respond and change laws, this is evidence that the influence of a society or a community is significant.

The most effective way to confirm the possibility of an increase in punitiveness is to examine the Triangle of Power over a period of time to identify the pressures from each of the three sides and how each side responded to these pressures.

### **The Proposal for this Research**

The present research arose from my observations of an apparent increase in punitiveness in my local community in Western Australia, WA. In recent years, it has become increasingly evident that community members are worried about their own safety and one of their reactions is to demand stricter penalties for offending behaviour. Their anxiety is not borne out by crime statistics; yet, it appears very real in the minds of many, driven in part by public media and in part by private communications.

I understand that community moods are specific to each community, but I also understand that they are echoed to a greater or lesser degree across like-minded communities. It is evident from the literature that the mood of Western liberal democracies is one of increased punitiveness; at an international level, the move to punitiveness appears to have been growing over a number of years and is part of a progression along a pathway of reactions recognised as such by many social commentators (Durkheim, 1895; Hawdon & Ryan, 2011; Hsu, 1973; Marks, 1974; Marx & Engels, 1967; McCloskey, 1976; Merton, 1938; Tomka, 2013). Merton's theory of Strain identifies punitiveness as one of the reactive behaviours that materialises from some individuals as they travel down the pathway of disorder. My hypothesis is that we are at that stage in the process where reactive behaviours are evidence of *dérèglement* or malfunction or normlessness and we are in a state of Anomie.

The purpose of this research is to demonstrate that we are in a state of Anomie, as indicated through an increase in punitiveness, to be revealed through a case study of the Triangle of Power in WA and, to ensure validity, Victoria over the decade from 2001

to 2011. An examination over time and space would identify a shift in public attitudes within an Australian context and thus verify an increase in punitiveness. To this end, I developed a set of predictors of punitiveness, against which I considered the records from the public media and the Legislatures. The results of the initial comparisons, when evaluated against the punitiveness guidelines, revealed a noticeable increase in punitiveness; a further investigation of the internal element of the language used by each side of the Triangle of Power strengthened the preliminary findings. I also examined the social circumstances that have contributed to the general discontent and unrest in the wider Australian community, and then the changes in the fundamental social structures in the Western world, which supported the findings of the case study and show that we are indeed in a state of unrest or Anomie.

### **Where to From Here?**

The following chapters confirm the existence of Anomie and Strain through the symptom of an increase in punitiveness. They provide explanations for the increase in punitiveness in WA and Australia in particular and the Western world in general. Through the lens of sociological enquiry, they will present the proposition that the Anomie theory of human behaviour from Émile Durkheim and the subsequent developments of the Strain theory from the Chicago School and Robert Merton explain the modern phenomenon of fear of crime and the haste to blame and to punish.

***Chapter 2: The theories of Anomie and Strain***—in which there is an examination of the theoretical foundations that underpin the main argument of the thesis for which the case study provides evidence. Both theories explain the consequences for communities of consistent and damaging disruptions that bring about social upheaval and increased fears and anxieties. A clear and comprehensive explanation, indeed prediction, of the mushrooming of Western punitiveness, can be found in both theories. Anomie, from Durkheim, explains the state of normlessness and unrest that develops as a result of damaging disruptions and social upheavals; Strain, from Merton classifies the specific range of behaviours exhibited by anomic populations. The chapter briefly examines the social contexts for both Durkheim and Merton that gave rise to their theories and provides a model of the development of Anomie in a specific community, the Western Australia.

***Chapter 3: The Triangle of Power and Punitiveness —Explanation and Literature Review***—in which there is an outline of the public organs of record

and the impact of each upon the others; and a review of the literature relating to the three elements of the Triangle of Power in a modern democratic society. It is split into three major branches: the first relates to the reporting of the media; the second, the reactive nature of modern politicians; and the third, the power of public opinion and the dynamic nature of their relationship. The chapter examines the literature surrounding the theoretical conception of ‘punitiveness’ and its application in practice.

**Chapter 4: Methodology**—in which there is an explanation of the research methods used for the case study, and the rationale for an examination of cumulative pressures on the people of Australia and the couching of the Australian situation within the context of world events. The case study has two parts: a comparison of two periods in time in one polity, WA, with a confirmatory study in a similar polity, Victoria. The chapter explains the measuring instruments and their use to link the results of the analyses to predictors of punitiveness in WA.

**Chapter 5: Stage 1 - What the Papers Say**—in which there is a qualitative examination of a random sample of articles using descriptive statistics to ascertain changes in attitudes to ‘crime’ and ‘punishment’ over the 10-year period. Further, there is a comparison between the findings from two equivalent cities to determine whether changes in attitude are common to both or limited to WA. Separate comparisons are made between the statistics and language drawn from the tabloid publications from WA (the *West Australian* and the *Sunday Times*), and the tabloid publications from Victoria (the *Herald Sun* and the *Sunday Herald Sun*). The results are coded for analysis, in preparation for incorporation with the results from Chapter 6.

**Chapter 6: Stage 1 - From the Despatch Box**—which includes an examination of the records from the Legislature to ascertain changes in attitudes to ‘crime’ and ‘punishment’ over the 10-year period. Further, there is a comparison between the findings from two equivalent cities to determine whether changes in attitude are common to both cities or limited to WA. Separate comparisons are made between the numbers of, and language in, Second Reading speeches and the debates in the WA parliament, over the decade; and in the Victorian parliament. The results are prepared for incorporation with the results from Chapter 5.

**Chapter 7: What a difference a decade makes**—what the Stage 1 study reveals—in which the dynamism of the Triangle of Power is underscored by the shifts in the public attitudes represented in the media and the Legislatures in each city over the



10-year period of interest. The codes from the media examination relating to community attitudes reveal an increase in fears, which is apparent in both cities; the parliamentary debates show an increased attention to community disquiet, whereas legislative changes are a direct consequence of responding to community needs. Both polities show an increase in punitiveness while maintaining their most and least punitive labels respectively.

***Chapter 8: Stage 2 - Proliferating Pressures on Public Perceptions—*** that discusses precipitating factors, which contribute to the perceptions of vulnerability and fear of crime in the minds of the Australian community and the edging down the pathway to Anomie. These include the case of the *MV Tampa*; the so-called ‘War on Terror’; the Bali bombings; the escalating of the 24-hour news cycle; social media and instant communications; the influence of a media monopoly; the ‘Children Overboard’ scandal; the pressures of immigration; and the continued use of the word ‘terrorism’ by the media and the Legislature.

***Chapter 9: Stage 3 - The Differences across Time and Space—***where differences in social structures between the ordered controlled societies of both Durkheim and Merton, and the modern day are canvassed. They include the shift in the community view from the communal to the individual; the patterns of migration; financial upheavals; the change in employment patterns; the burgeoning terrorist attacks across the world; private unedited communications; the fear of local crime; the erratic nature of world politics; and the volatile nature of the relationships within the Triangle of Power. These factors point to the conclusion that existing methods of sociological enquiry are not sufficient to draw comparisons to confirm the undoubted state of Anomie besetting the modern world.

***Chapter 10: Anomie? Oui, Mon Ami—***in which there is a discussion of the findings that we are more punitive in WA and a conclusion that Durkheim and Merton’s theories provide an explanation for the increase in punitiveness in two Australian cities in the early twenty-first century, in line with the well-documented increase in demand for harsher penalties and a rise in punitiveness.

This research outlines how direct comparisons between societies are impossible, but differences make modern individuals more vulnerable and even more exposed to the instabilities that hallmark Anomie. Throughout Western history, a state of Anomie has arisen in times of social change, and it is the contention of this thesis that in the

early twenty-first century, we are in such a state. The increase in demand for harsher penalties and a rise in punitiveness in a range of Western nations is well documented (Allen, 2008; Pratt & Eriksson, 2011; Velasquez & Lincoln, 2009). Into this milieu a number of dramatic world-wide social changes and disruptions have entered, which are discussed in following chapters.

In this chapter I set the scene for the research, seeking to identify punitiveness in WA specifically and in Western liberal democracies in general. I established the terrorist attacks of 9/11 as the appropriate starting point for an examination of an increase in punitiveness in WA because it was a single world-wide event that had a profound impact and was, I argue, the tipping point for the general slide into Anomie.

In the following chapter I examine the two theories of Anomie and Strain to show their interrelationship and further, to highlight the similarities between the social conditions leading to their development, and the social conditions of the early twenty-first century.

## **Chapter 2: The Theories of Anomie and Strain**

The two theories underpinning this research are outlined in this chapter. I show that the theory of Anomie explains the circumstances in which a community is thrust into 'normlessness' when all 'customary social goals are changed'. It is also demonstrated that this theory is able to forecast future occurrences of Anomie. Further, I show that the theory of Strain is a development of Anomie, because it classifies the range of behaviours demonstrated by communities as a reaction to the state of Anomie. These theories were developed by sociologists Durkheim and Merton using the tools of social research laid down by French philosopher Auguste Comte [1798–1857] during the Enlightenment.

Sociological theorists by definition turn their minds to the task of explaining social behaviours to predict future behaviours. Before the emergence of sociological ideas, in the pre-modern era, events and occurrences in the natural and social worlds were explained as being the consequence of the will of God. For example, in 1605, in a move to separate scientific knowledge from religious beliefs, Francis Bacon wrote the *Advancement of Learning*, declaring that a systematic, scientific practice such as inductive reasoning was the most reliable method to explain the natural world (Desroches, 2006). Bacon became known as the 'father of empiricism' because he advocated the use of a rigorous scientific method (Desroches, 2006). This came to be the origin of positivism.

Positivism became the underpinning philosophy for all scientific study. During the period of the Enlightenment in Europe, a burgeoning awareness of the machinations of the social world focussed attention on the limitations of methods used to explain the phenomena of the natural world. The scientific archetypes established by Bacon provided the precision to explain and predict mathematics, physics, astronomy, natural sciences and philosophy, and it was thought that all other aspects of society including human behaviour were able to be examined accurately using the same methods. Comte contended that social phenomena could be explained using these scientific models providing they were applied with rigour to ensure that social research was accorded the same respect and acceptance as the sciences (Lenzer, G. 1975). To this end he created a framework to organise and regulate positivism such that scholars using it had greater certainty that their social research would be accepted and would add to the understanding and knowledge of the social and political arena. Since this time, scholars have used positivist models to enable themselves to focus their

attentions onto the study of the behaviours of humans in their social roles. Durkheim used this framework when he presented the theory of Anomie in his 1893 book *The Division of Labour in Society*. The book explained his conclusions that the social changes in the increasingly urbanised society had brought about breaches in the normal social cohesion and created a risk to the health of the community—including through self-destructive behaviours and suicide (Kushner & Sterk, 2005). He called this state of affairs *dérèglement* or Anomie (normlessness), and generalised it to the broader community. In his later publication *Suicide: A study in sociology* (1897/1951), he explained the incidences of suicide within specific social groups in *fin de siècle* Europe by the application of his theory of Anomie (Kushner & Sterk, 2005).

A range of sociologists such as Merton (1938), Albert Cohen (1955), Richard Cloward and Lloyd Ohlin (1960) and Robert Agnew (1992) used Durkheim's Anomie as their foundation to study the behaviours of communities enduring stress. They had seen the effects on the American population of the Great Depression, identified and classified the range of potential and inescapable individual responses to this set of circumstances, and formulated versions of the Strain theory. The Strain theory can thus be seen as a development of Anomie because it classifies the reactions of the people who are living through a period of Anomie.

The theories of Anomie and Strain in tandem were not only able to explain contemporary behaviours, but could predict future behaviours in the face of a similar set of circumstances. Within the constraints of Comte's research framework, the social scientists in their respective eras were able to examine, measure and analyse the human behaviours they witnessed.

The present research was undertaken to validate the pertinence of Durkheim's theory of Anomie (1893) and Merton's theory of Strain (1938), and they are the foundation and the focus of this study. However, it must be mentioned that the social worlds of both men had a great many similarities, which easily allowed one set of theories (Strain) to follow from the other (Anomie). Durkheim and Merton recognised that social upheavals precipitate shifts in social norms and values, which are the oil that keeps societies functioning smoothly.

Durkheim's theory of Anomie is well developed and comprehensive in explaining the effects of increased social pressures that were part of his society. The relevance of his theory in a modern context is a testament to Durkheim's insight into,

and analysis of, human behaviours and to the timeless nature of human reactions to life circumstances including criminal behaviour.

### **Anomie**

The theory of Anomie (*dérèglement*) or 'normlessness' was articulated by Durkheim to explain the general loss of cultural direction that afflicted the population of France during the economic recessions of the 1870s (Durkheim, 1895/1982;). Durkheim, a philosopher and sociologist, noted the effect on the norms and values of a society following a disruption to its social framework or cultural structure.

Durkheim's views were predicated on a society that was either mechanical or organic; the mechanical society being pre-industrial wherein homogenous groups of people mastered their skills, shared work tasks and culture and obeyed the same rules and customs; and the organic society with greater diversity, complex divisions of labour and a highly specialised workforce but still with values in common (Thompson, 1985). Durkheim observed a 'collective conscience', which ensured that each member of society had a common set of guiding principles to which all conformed, not through fear or coercion or lack of public discussion, but through a shared set of goals and a common purpose (Garland, 1994). It was Durkheim's belief that humans were creatures whose desires were innately unlimited but constrained by the parameters of the society (Durkheim, 1897/1951). When those parameters were removed and the community was no longer sure of their social positions, responsibilities or obligations, they were without social guidance and were in a state of Anomie.

The societies most aligned to Durkheim's mechanical society were the village communities in Europe in the pre-industrial era, and the organic society comprising the post-industrial cities to which many people were drawn in the search for employment and more favourable opportunities. In simple terms, he found that within the mechanical society of the villages, for all people, the division of labour was such that everyone had a role that provided them with certainty of their position (Hsu, 1973). The structure of the roles compelled patterns of behaviour that had evolved with the community, enabling it to function. When people moved to the cities, they found they no longer had specific roles or tasks, could not locate themselves in a social hierarchy, and were without the social controls to which they were habituated (DiCristina, 2006; Hsu, 1973).

## **‘Brexit’ as a Signpost of Anomie in Europe**

The ‘Brexit’ vote is a clear example to confirm the existence of Anomie. On June 23rd, 2016, a referendum was held in Great Britain to resolve the question of whether or not the country should leave the European Union (EU). It was popularly called Brexit, a portmanteau word created from the words ‘Britain’ and ‘exit’. The elected members of the Legislature advocated remaining, but fears and anxieties that were fuelling public attitudes created a strong movement to leave.

The British voters had become increasingly troubled by internal immigration within the EU. They felt their government was ignoring their concerns that ‘foreigners’ had been settling in the UK, taking their jobs, draining their social security and damaging their cultural identity. Their vote was the action of a community who fears it has lost control over its future and determines to regain that control through a powerful demonstration of will. This is almost a replication of the dissatisfaction and fears felt by the nineteenth century citizens of France on whom Durkheim based his theory of Anomie. The Brexit vote was a clear example of the rejection by a community fearing the intrusion of people from other groups with different habits and values. This is a clear example of Anomie. Durkheim was Eurocentric in his understanding of people belonging to a group and adopting its *mores*; nevertheless, his understanding of human behaviour is applicable in any region in any era.

Those elements in a society that were acceptable behaviours and moral certainties were ‘social facts’ and independent of the actions of individuals, but could be studied to describe social phenomena (Durkheim, 1895/1982; Thompson, 1985). Durkheim defined these as follows:

A social fact is every way of acting, whether fixed or not, which is capable of exercising an external constraint on the individual; or, which is general through a given society, whilst having an existence of its own, independent of its individual manifestations (Durkheim, 1895/1982, p. 19).

Social facts were elements of daily life such as the regulatory or legal code of a society or the distribution of populations in particular areas or regions (Thompson, 1985). They included human beliefs, morality and culture; the aspects of life that are specific to the people of a society, were developed within the society and provided the limits of acceptable behaviour within that community. Durkheim’s concern with public health led him to conclude that even the phenomenon of suicide within particular

groups was a social fact (Durkheim, 1897/1951), because it was an established component of a society.

A sociological phenomenon that accounts for periods of disruption in the lives of communities, such as economic recession or war, or for individuals when they feel alienated from society, does not automatically lead to a period of Anomie. In most cases, the power of their social surroundings is sufficiently strong to allow people to ultimately find their place without any adverse consequences. Thus, the sensation of Anomie is not simply a descriptive term for the loss of normal social goals in the wider community; it is a feeling of the sands shifting beneath the feet of individuals, where the aims to which they had always aspired seem to be no longer valid or worthy or are suddenly taken away from them; when the values they have always held appear to be challenged. It is the removing of the normal goals, and replacing them with invisible alternatives; it is the dimming of the 'light at the end of the tunnel'; it is the sealing up of the exit door, without indicating an alternative, leaving people in a state of aimlessness or anxiety or even hopelessness. Durkheim argued that people still had the similar needs, but the circumstances were no longer suitable to achieve them, and this was a time when people turned to activities, which previously had been adjudged to be beyond the acceptable norms, for altruistic or egoistic reasons (Johnson, 1965). It was a time for behaviours to react against the changing world by holding even more strongly to the 'old ways'.

### **The social milieu of Durkheim**

Durkheim was only a boy in 1871 when France was defeated in the Franco-Prussian war, and the rebuilding of French society had a profound effect upon him. He witnessed the disruption to many lives during this phase (Mannion, 2014). Being the son of a Jewish rabbi, Durkheim was conscious of the importance of structure and order in the life of his close-knit community and he saw the effect on his fellow community members when that structure was threatened. He had a first-hand view of a social microcosm, the conclusions of which he could extrapolate to explain the disruption to the wider community. The development of his ideas regarding the importance of social structure and his commitment to Comte's framework were to guide his studies throughout his life. Durkheim was a proud Frenchman and was saddened by the "excessive spirit of individualism" that to his mind was enfeebling France (Bellah, 1973 p. xv). He saw the fragmentation of the communal life as one of the factors precipitating a state of Anomie.

The unravelling of the social rules or morals did not suggest that the society was descending into a state of lawlessness, merely that it was experiencing a period of dramatic change.

### **Gatekeepers**

Durkheim believed that situations of Anomie were almost impossible in closed, regulated environments, such as large businesses and corporations. When a significant event affected the smooth running of the corporation, the management of the corporation enacted strategies or solutions to help limit the damage or to help employees to normalise their daily working lives. This response was a normal reaction to a challenging event for a corporation. Business managers prepared to shield their corporations and their work forces from the worst consequences of an upheaval or a disaster, thereby reducing the possibility of Anomie in the workplace. Within every organisation there were lines of communication that transmitted information between the decision makers and the workers on the 'factory floor' and all levels of workers between. These were official channels, deliberately created to conduct news and information. Within the wider society, it was not possible to manage or regulate the reactions of the citizens in such a way in the face of a series of disruptive events. Therefore, it would be reasonable to expect that populations would be prey to anomic conditions as a consequence of such circumstances.

However, Durkheim acknowledged that this did not generally happen for two reasons. The first was that everyone in society was connected to someone else through family, friendship or social contacts where they learned and practised the social rules. Each would interact with other people in one setting or another and act within the bounds of social norms. In the event of a catastrophic event or a gradual shift in social values, people would adapt their behaviours towards each other to accommodate the changing conditions, looking to their role models for guides to behaviour. The second reason was due to the existence of a small powerful group called the 'gatekeepers' in society (Durkheim, 1897/1951).

Gatekeepers were those people who acted as conduits between the government or law makers and the general population. Durkheim declared that deliberations were the starting point for new sets of ideas; the gatekeepers made the results of the deliberations known to the people (Durkheim, 1897/1951). The gatekeepers would have the means of communicating with large groups of citizens and be able to make public



announcements. In modern times, these conduits of communication are the government press officers or the journalists and editors of the media. They control the flow of information and in some respects can be said to decide which aspects of news are to be broadcast, according to the viewpoints of their owners and editors (Poor, 2006).

The changing role of the gatekeepers can be seen in the growth of the power of the community. The print media in the days of Durkheim was charged with the responsibility of disseminating official bulletins of policy and news and information to the populace, and to act as a conduit between the government of the day and the citizens. The newspapers as gatekeepers took a predominantly right- or left-wing view and encouraged free debate and discussion while retaining their dominant role of the gatekeeper. The modern public media still has carriage of this duty, and as well as disseminating government pronouncements and the opinions of thinkers and scholars, it helps shape the values and views of the readers or viewers.

### **Anomie and multiculturalism**

Durkheim was drawn to the classification of common sets of values emanating from a shared religion; all religions prescribed the sets of beliefs and values that were the glue that bound their adherents. Using the example of Buddhism, he explained the uniting effect its teachings had on its followers; his ideas applied equally to French society due to its very large number of Catholics (Bellah, 1973). Being from a close-knit Jewish community, Durkheim was particularly cognisant of the tenets imparted by religious teachings, and their separating and uniting influence. He characterised this as the moral imperative of a community using, as evidence, the results of his extensive studies of tribal people across the world (Durkheim, 1912/1995, p. 116)

At the time of his writing, Durkheim was looking at his world being changed by the last vestiges of the feudal system and the internal migration of rural workers to the larger urban centres, in particular, Paris. He saw that this created turmoil because it forced transition onto the community and created mediocrity (Durkheim, 1895, as cited in Emirbayer, 2008). When people of different religions or diverse values were added to the community, previously cohesive ethical and moral precepts were diluted. A similar view was propounded by Weber in 1905, in Germany, where he bemoaned the immigration of poor Polish peasant workers into the newly established Weimar Republic, where they would remain at the lower levels of education and social

acceptance, disrupting the cohesion of German society, which he claimed was an exemplar of the *protestant ethic* (as cited in Mannion, 2014).

Durkheim identified another problem caused by immigration, which was the assimilation of immigrants. In *Suicide: A study in sociology*, he wrote that poor integration by the incomers contributed to their high rates of suicide (Durkheim, 1897/1951), a claim reinforced by many modern studies, including one in California (Kposowa, McElvain, & Breault, 2015). This was in addition to the higher rates of suicide among the host population in response to the economic and financial strain the immigration placed upon them (Durkheim, 1897/1951). The management of a situation such as this would be through the gatekeepers, consisting of government and civic leaders, who would introduce strategies to help the society adjust.

Economic and social disruption caused by immigration is a prime trigger for anomic conditions, and when the nationality or ethnicity of the incomer differs from that of the host community, the issue is compounded. Immigrant nations of the 'New World' such as the US, Canada, New Zealand and Australia have devised policies and programs to mitigate the differences, to allow the gradual integration of the newcomers (Dawson, 2015), and to create employment programs and absorb new arrivals into their populations. Social strata and the availability of education or meaningful employment within the nations of the 'Old World' are not as flexible as those in the newer nations, so the immigrant is not able to succeed as readily and is often prey to social or economic upheavals (Dawson, 2015; Mannion, 2014).

### **Anomie and the Aboriginal and Torres Strait Islander people of Australia**

Durkheim made an ethnographic study of some Aboriginal tribes in central Australia in his attempt to analyse and explain contemporary religion. Through his 1912 work *The elementary forms of religious life* he described and explained the ceremonies and rituals that were at the centre of the existence of Aboriginal people. Remote Australian Aboriginal tribes had been disrupted by European contact and Durkheim studied the importance of the beliefs guiding the lives of the communities, documenting the structure of Aboriginal tribal life and identifying the complexities and nuances of the belief systems at the heart of their existence. He recognised the complex social systems of each Aboriginal clan or tribe and saw that all members knew precisely where they belonged; to whom or what they owed allegiance; and to whom they could be married or even speak (Durkheim, 1912). He understood that the bedrock of their

existence, their cultural structure, was comprised of the interconnection of religious beliefs and social practices—“religious force is none other than the collective and anonymous force of the clan” (Durkheim, 1912 p. 221)—and that the powers that it confers on the individual or the group have the binding force of obligation (Durkheim, 1912; Emirbayer, 2008).

He was therefore able to recognise the manner in which the arrival of the colonising power disturbed the day-to-day lives of Aboriginal people in Australia. They had neither villages nor settlements nor any other signs of ownership; thus, the colonists did not realise that each tribe had custodianship of a tract of land, hence they appropriated tribal lands for their settlements, seeing them as unencumbered and free for the taking. Moreover, the newcomers had little respect for the original inhabitants, and saw them as primitives to be subjugated. For the Aboriginal people, the arrival of the white settlers brought disease, disruption and death. They were systematically pushed onto parts of the continent of no interest to the colonists, irrevocably destroying their spiritual connections to their own country and desecrating the sacred elements of the landscape for which tribal members had personal responsibility. As the settlements moved inland, those Aboriginal people whose lands were in the path were pushed further inland, denied access to their traditional hunting grounds and thus their traditional diets, and given replacement foods of low nutritional value that contributed to their poor health.

When one society subjugates another society, a state of Anomie is created instantly, due to the disruption to and denial of the culture of the subjugated peoples. Durkheim’s descriptions of the spiritual practices of the tribal groups in central Australia allow modern scholars a rare insight into their practices, and an understanding of the damage caused after a loss of such important elements of culture.

After the Europeans became established and federated the separate states to become a single nation, there was a move to ‘breed out’ Aboriginality by removing ‘mixed race’ children from their families and housing them in settlements and missions with the intention of training them for domestic service or as farm workers (Barta, 2008). This began in 1910 and did not cease until the 1970s, producing what became known as the Stolen Generations (Human Rights and Equal Opportunity Commission, 1997). It may have begun as a contemporary view of ‘the best interests of the child’ or its origins may have been more sinister. The motivating factors are not examined here; however, the spotlight shines on the anomic consequence of denying the most

elemental form of socialising and acculturation. The children grew up without any contact with their own families, their culture, their lore and their traditions and were thrust into a world where they were expected to be an underclass and then to become extinct. In general terms, they were not accepted by the white society and could not find their own, and many resorted to alcohol and drugs and/or to crime. It was an unmistakeable example of Anomie and the loss and dispossession led many to become Retreatists or Innovators or Rebels (see Strain, below).

In recent years there have been moves, both government and private, to redress this situation; for example, then prime minister (PM), the Right Hon. Paul Keating (1991-1996) delivered the 'Redfern Speech'<sup>3</sup> in 1992 to formalise the initiatives after the High Court ruling in the Mabo case<sup>4</sup> asserted that *terra nullius* was a fallacy.

There has also been a formal apology delivered to the Aboriginal people by then PM, the Right Hon. Kevin Rudd (2007-2010;2013-2013) in the Australian Parliament in 2008 (Parliament of Australia, 2008). Nevertheless, there are many Aboriginal people who hover between two worlds, still affected by the anomic state thrust on them or their forbears by European settlement.

The Aboriginal people are not a single homogenous group, but consist of many hundreds of separate tribes and language groups, which was misunderstood from the outset of colonisation; the culture of each tribe was swamped by the laws and practices of the settlers with the aim of suppressing or obliterating it. In modern Australia, a large number of Aboriginal and Torres Strait Islander people still exist at the fringes of society, encountering daily struggles and occupying a greater percentage of the prison cells than their small numbers would suggest, thus playing out a continuous state of Anomie as articulated by Durkheim.

### **Anomie and crime**

Durkheim argued that crime was a normal part of a society and "a factor in public health, an integral part of all healthy societies" (Durkheim, 1895/1982 p. 98). He claimed that crime was a necessary element in all societies because it allowed people to

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<sup>3</sup> "It begins, I think, with the act of recognition. Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the disasters. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance and our prejudice. And our failure to imagine these things being done to us. With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds. We failed to ask—how would I feel if this were done to me?" (as cited in Barta, 2008, p. 202).

<sup>4</sup> Mabo v Queensland (no 2) (1992) 175 CLR [1992] HCA 23

distinguish between right and wrong, and set the boundaries of the social norms, the social facts, in much the same way that Satan is an essential presence in the Christian system (Bellah, 1973; Durkheim, 1938). Crime also allowed people in the society who were charged with the responsibility to manage it, to do their jobs, and it acted on other members of the society as a lesson, if they were contemplating similar actions and as a reassurance to the rest of the society that it was working properly (Durkheim, 1938).

Punishment for breaches of law or contraventions against the collective conscience was “above all designed to act upon law-abiding people. For, since it serves to heal wounds inflicted upon the collective sentiments, it can only fulfil this role where such sentiments exist and to the extent that they are active” (Thompson, 1985 p. 80). Penal sanctioning was a tangible example of this because it both expressed and regenerated society’s values (Garland, 1994). If there was a growing crime rate or an increase in the fear of crime, beyond that which was predictable, the community would expect increased sanctions—that is, longer or stronger punishments. Questioning judicial sanctions is one of the predictors of punitiveness, and punitiveness is one of the hallmarks of Strain, devised years later by Merton to classify the reactions to Durkheim’s theory of Anomie.

Crime is not the only factor underpinning the sense of disruption, or Anomie; breakdowns in social and structural traditions, and perceptions of being under siege from all quarters, were also responsible. All of the conditions necessary for a state of Anomie as articulated by Durkheim are present in Australia in the early twenty-first century. They include the patterns of immigration, the financial upheavals and collapses, the change in employment patterns, the terrorist attacks in the Western world, the rise of the radical Islamist terrorists, Al Qaeda and ISIS<sup>5</sup> (Islamic State of Iraq and Syria), the burgeoning use of private media, the unpredictability of Western democracies and the fear of local crime, all of which are reported on a regular basis by the 24-hour news media. These factors are discussed in Chapter 5.

### **Strain and its relation to Anomie**

Robert Merton was an American Sociologist who participated with other academics and researchers in the general movement in the 1930s to study the social, anthropological and eventually criminological behaviours of society. He argued that in

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<sup>5</sup> Also called ISIL—Islamic State of Iraq and the Levant; Daish—an acronym from its Arabic name *ad-Dawlah al-Islāmiyah fī 'l- Irāq wa-sh-Shām*; Islamic State Group.

a stable society the goals or aims of the community were within reach of the community members. With shifts in circumstances and social expectations, and goals moved out of the reach of some people, there was a situation of 'strain' (Marks, 1974; Merton, 1938). He elaborated on Durkheim's theory (DiCristina, 2015) and explained that individuals within communities reacted in a range of predictable ways when they were under strain. He classified the reactions to such changes into five categories: Conformity, Innovation, Ritualism, Retreatism and Rebellion (Merton, 1938). Briefly, these categories explained the reaction to the strain in different ways: Conformists doggedly accept the changes; Innovators react to them by developing a new set of norms, sometimes in a criminal way; Ritualists hold to the crumbling norms even more rigidly and react more severely when others misbehave; Retreatists literally retreat into a world of their own creation, sometimes through addictive behaviours and sometimes through nostalgically clinging to the ways of old; and Rebels lose their cultural 'bearings' and descend into unusual or criminal behaviour (Marks, 1974; Merton, 1938). Across the five categories, the two that provide an explanation for the growth in punitiveness among the general populations of modern Western liberal democracies are Ritualism and Retreatism, where people respond to the shifting of social values and the disintegrating of societal norms, by clinging even more tightly to the 'old' norms and sticking rigidly to what they know.

In essence, Durkheim had explained that Anomie arose due to changes in social structures and that people would respond to the changes; and Merton classified the responses.

### **The social milieu of Merton**

In the 1930s, the Western industrialised world was recovering from the Great Depression (1929–1939), the largest global economic downturn the world had seen, which both challenged financial structures and caused great social upheaval. It began in the US with the Stock Market Crash of 1929, during which traditional government fiscal responses were found to be wanting, leading to the failure of the banks and the resultant collapse of many businesses; in turn creating mass unemployment (30% of workers were unemployed), foreclosures on mortgages, evictions, widespread hunger, even starvation (Rauchway, 2008). The social structures to which communities were accustomed were shaken, and people found themselves suffering hardships they had never previously imagined. With their societies 'falling apart', people were vulnerable

and desperate and their hardships drove some to participate in public rallies and demonstrations to show discontent, and others to participate in crime (Romer, 1990).

As stability slowly returned, the social structures of the Western world were gradually re-established. In the US, President Roosevelt introduced the New Deal, which was to stabilise industrial and agricultural production, reclaiming the power of government and large corporations to direct the recovery, and increase employment and boost national morale. Through direct management of the media, in his 'fireside chats', Roosevelt was also able to manage the dissemination of information, calm the populace and rebuild social confidence (Rauchway, 2008).

This was the background against which Merton and his colleagues were conducting ethnographic research into the behaviours of humans under strain. Many people faced difficulties they had neither planned for nor even foreseen, and their resulting behaviours were a rich source of interest to sociologists. Durkheim's descriptions of human behaviours during the stressful times of his era were easily able to be applied to the struggles of the people in the 1930s. His theory became a 'blueprint' to explain why people were behaving as they were. Merton and his colleagues expanded the theory of Anomie to describe and classify the actual range of behaviours exhibited by people under strain.

### **Strain and multiculturalism**

When a homogenous community receives 'outsiders' there is a sense of 'the other' (Dunn, Klocker, & Salabay, 2007) and the community responds according to the normal diversity of any community; that is, some people accept the incomers, some keep their distance and others actively dislike them. Some take delight in their different cultural practices, while others expect the newcomers to embrace the practices of the hegemony. Strain, as described by Merton, is placed on the host community, which reacts in one of the ways described above. Most are Conformists who adhere to the prevailing hegemony, while some who feel themselves to be under siege by the new arrivals will try to find a different pathway, sometimes criminal, becoming Innovators; some who completely close themselves off are Retreatists; others actively fight against the changes and become the Rebels; and some will cling to the old ways rigidly and become the Ritualists. These reactions can be seen in hundreds of minor examples all over Australia, one of which was the so-called Cronulla Riots of December 11th 2005,

when ethnic tensions, hot weather and alcohol combined to create an ugly incident (Collins, 2009).<sup>6</sup>

### **Strain and the Aboriginal and Torres Strait Islander people of Australia**

Until the late 20<sup>th</sup> century, the authorities in early Australia were keen to have Aboriginal people blend into the dominant culture. Believing that it would only take three generations to breed out Aboriginality, they removed mixed race children from their mothers with the aim of encouraging interbreeding with the 'white' people (Wilson, 1997). This practice was identified as cultural genocide by Justice Ronald Wilson at the Australian Reconciliation Convention in 1997. At the time, some thought it a humane and generous practice, but history shows it to have been disastrous for the survivors, who have had to overcome the suppression of their cultural practices and beliefs, and in this they have had varying degrees of success. White settlement occurred more than two centuries ago, and whereas there is a large number of Aboriginal people who have adapted, there is still a sizeable minority who are on the fringes of society and have not adapted. These are the people that Merton would characterise as the Ritualists, Rebels or Innovators because they cannot adapt to the new ways, or they find the new rules disagreeable and do what they can to avoid them. In general, Aboriginal people are disadvantaged according to all measures of social indicators including life expectancy, housing, health, education, employment and income (Department of Prime Minister and Cabinet, 2017). This disadvantage due to their Aboriginality places them under strain (*Bugmy v the Queen* [2013]) with a consequence that some of the reactive behaviours, according to Merton's theory, will be criminal. Indeed, the crime statistics for all Australian jurisdictions reveal that Aboriginal people comprise a larger percentage of the total than their numbers in the general community would suggest (Department of Prime Minister and Cabinet, 2017).

### **Strain and crime**

The Strain of which Merton wrote was a manifestation of the Anomie that had prevailed during the Great Depression. His work confirmed Durkheim's conclusions of human behaviour in the face of social disintegration or *dérèglement* when Durkheim coined the term Anomie in 1893.

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<sup>6</sup> The Cronulla Riots began as an outbreak of mob violence between groups of young men of Lebanese origin and white Australian beachgoers in the Sydney beachside suburb of Cronulla, and spread over the next few nights to nearby suburbs (Collins, 2009).



The consequences of alienation and strain are well explained for the group Merton called the Rebels—people who see no route to relieve their difficulties other than to break the law. He said that “the social and cultural structure generates pressure for socially deviant behaviour upon people variously located in that structure” (Merton, 1957, p. 121). Another of Merton’s groups, the Innovators, also try to find ways around difficult conditions, to create a better situation and relieve the strain on themselves by devising new ways of getting what they want; in some cases this means they also become offenders. The Conformist group is by far the largest within each community; classified thus because members do not create new pathways, or behaviours and tactics for achieving goals; they simply re-double their efforts and reduce their expectations in an attempt to achieve existing goals (Merton, 1938).

Merton classified two other sectors of the community who react to strain: Retreatists withdraw into a world of their own, sometimes using drugs or alcohol to insulate themselves, which could lead to offending behaviour. The final group is the Ritualists who confront the shifts in circumstances by adhering more rigidly to the processes and customs with which they are familiar. When the ‘goalposts’ shift, or personal control seems to be lost, Ritualists refocus on the new goal but use the old habits and customs to reach it. This is the group that calls for harsher penalties and that is more punitive.

Parisian society in the late 1800s was in a state of anxiety due to fragmenting social interactions and declining economic circumstances, which created a state of Anomie (Marks, 1974); the post-Depression society of the West was suffering from lack of employment, lack of stability and security and a fragmenting of social structures which created a state of Anomie. The contemporary experience is not an increase in crime, but an increase in the fear of crime. Much contemporary reporting of physical violence is accompanied by graphic photographs of victims, which creates distress in the mind of the reader, builds empathy for the victims and triggers calls for harsher penalties for offenders (Johnson, 2009). The increase in punitiveness is one of the reactions by that segment of a community, the Ritualists, that feels itself to be under siege and has lost control (Merton, 1938), where its frustration is manifested in changes of attitudes, reductions in levels of tolerance, understanding or kindness, and increases in levels of narrow mindedness, impatience or harshness. The social breakdown that causes this reaction is the essence of Anomie as described by Durkheim.

This chapter outlined two theories that underpin this research: the theories of Anomie and Strain. The theory of Anomie was created by Émile Durkheim in the 1890s to explain the behaviours of his fellow citizens in the face of dramatic social and economic upheavals. Robert Merton devised the Strain theory, which categorised the range of five behaviour types into which people could be grouped when confronted with anomic conditions. The increase in punitiveness seen in modern society is one of the reactions described within the categories of Strain. The next chapter is a review of the literature that expands on the dynamic 'triumvirate' of authority, the Triangle of Power. The elements of the Triangle are the media, the Legislature and the public attitude, and they are all equal in importance, with each possessing the power to initiate an action. The chapter explains how the actions or mood of one bring about a reaction in the other two, ultimately producing a shift in the general mood of the community.

### **Chapter 3: Punitiveness and the Triangle of Power**

The preceding chapter outlined the two theories of Anomie and Strain that provide the backbone for this research. Anomie explains the behaviours of communities in the face of dramatic social and economic upheavals, and Strain categorises the behaviour of people when confronted with anomic conditions. The increase in punitiveness in modern society is one of the reactions described within the categories of Strain. This chapter examines the setting wherein the increase in punitiveness can be related to the dynamic 'triumvirate' of authority, the Triangle of Power. The elements of the Triangle are the media, the Legislature and the public attitude, and they are important because each possesses the power to act and react, and in so doing reveals the shift in community attitudes to crime and punishment leading to an increase in punitiveness.

#### **What is Punitiveness and how can it be recognised?**

The concept of punitiveness is not new, but it has been more commonly spoken of in recent years. It appeared to be synonymous with 'retribution' and the application of a more stringent punishment for the same crime, or simply the zealous application of a punishment. In an attempt to clarify its precise meaning, researchers have examined the literature and evaluated community mood, and arrived at a broad range of conclusions. The literature can be arranged into two distinct streams, which for the purposes of this review, I have called theory and practice.

#### **Theory**

An international perspective of punitiveness was canvassed in the International Victimisation Survey (van Dijk & Mahew, 1993) using the scenario of the theft of a colour television, of respondents from 14 countries (Germany, England and Wales, Australia, Belgium, Canada, Scotland, Spain, the US, Finland, France, the Netherlands, Northern Ireland, Norway and Switzerland). Its findings were similar to those of Walker, Collins and Wilson (1987): males were more punitive than females, people with higher levels of education were less punitive, and those with higher socio-economic status were less punitive (Kuhn, 1993). Kuhn's research also reported a result that inspired further research: with the exception of the US, Canada, Spain and Northern Ireland, victims were slightly less punitive than were non-victims (Kuhn, 1993).

By the early years of the twenty-first century, the concept of punitiveness was well established in criminal justice research as an ‘umbrella’ term that encompassed public disquiet with crime rates (Garland, 1994, 2001; Roberts, 2000; Vaughan, 2002), variously dubbed ‘penal severity’ (Zimring, 2001), ‘populist punitiveness’ (Bottoms, 1995) and ‘penal populism’ (Pratt, 2000).

In Australia, McKillop and Helmes (2003) cautioned against the wholesale acceptance of an increase in use of the term ‘punitiveness’ because they found that members of the public were less ‘punitive’ than they had been characterised in the media. They found that the public responses were the result of informed consideration and more nuanced than media reports about community punitiveness, and that the latter should not be used as a basis for important decisions by legislators and policy makers (McKillop & Helmes, 2003). Nevertheless, the notion of punitiveness has been written into modern literature because it is a single, easy-to-use word for the modern practice of punishing more severely for the same crime.

The popularity of the word has been advanced by its adoption by well-respected researchers who used the term to describe situations wherein the common features were excessive punishments inflicted by authorities in response to behaviour that appeared to warrant a lesser penalty (Dowler, 2003; Garland, 2001; Pratt, 2000;). Matthews claimed that punitiveness was a product of both an anxious or angry general public, and a manipulative Legislature playing on public fears to increase electoral support (Matthews, 2005). Within the justice field, there was no common branch of learning to which the word was best suited and a range of researchers, academics and experts took the word and applied it to their own areas. By 2005, Pratt settled on a simple definition declaring that punitiveness is “the trend towards mass incarceration ... accompanied by not only longer prison sentences but by penal laws that seem to abandon long-standing limits to punishments in modern societies” (Pratt et al., 2005, p. xii). It is related neither to the ordinary range of punishments for particular offences; nor to the deterrent or rehabilitative function of punishments, both of which are the normal sanctions available in a civilised society. Criticism has also been levied for the “sloppy ways in which the concept has entered academic writing” (Daems, 2007, p. 132).

A specific definition or explanation of the term is overlooked by some people in their efforts to provide some clarity about the context in which it is used. Cavadino and Dignam (2006) did not define or explain their understanding of the term punitiveness,

but argued that the punitiveness of a government in a liberal democracy<sup>7</sup> is closely associated with its particular style of government. They asserted that liberal democracies fell into one of four typologies—neo-liberalism, conservative corporatism, social democratic corporatism and oriental corporatism—and contended that whereas each professed egalitarianism, the system of social entitlements within each had built-in exclusion criteria for people and behaviours that were outside the boundaries of acceptance, precipitating a more, or less punitive reaction, respectively (Cavadino & Dignam, 2006). Dzur and Mirchandani (2007) also considered the political context in democratic societies in which punitiveness was a factor. They identified two different styles of public debate that produced more, or less punitive outcomes for deviant behaviour: the rational–critical debates that led to effective rehabilitative solutions, such as a domestic violence court or a drug court; and the airing of populist opinions that led to the more punitive ‘knee-jerk’ retributive punishments (Dzur & Mirchandani, 2007).

Loader argued that punitiveness was a product of the twenty-first century (2009), not necessarily linked with a particular system of government. He claimed that there is a close relationship between the growing demands for punishment and the two elements that exist in the twenty-first century, namely instant gratification and intemperance (Loader, 2009). Loader asserted the modern world has normalised a culture “where speedy access to what one craves is paramount; where the great enemies are obstacle and delay” (Loader, 2009, p. 242). He argued that crime embodied an impediment to the promise of what the world could offer and that it was an ‘irritant’ to the workings of the fast-paced consumer society (Loader, 2009, p. 242).

Unnever and Cullen (2009) proposed that punitiveness was driven by lack of empathy for the ‘typical’ or stereotyped offender due to the lack of context. They found that the propensity of people to ‘identify with’ aspects of the offender made them less punitive, which led to the development of the theory of empathetic identification and punitiveness (Unnever & Cullen, 2009). This does not mean, for example, that a woman will automatically be less punitive towards a female offender, or a person from an ethnic minority will be less punitive towards an offender of the same ethnicity; it means that when people learn something of the background of the offender or the context for the offence, and they perceive they share some common value, they may

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<sup>7</sup> A liberal democracy is a “political system in which democratically based institutions of governance exist alongside liberal conceptions about the rights of individuals and about market-based mechanisms for economic production and distribution” (Parkin, 2002).

have a less punitive attitude. This is consistent with the findings of McCorkle (1992) and Velasquez and Lincoln (2009)—who asserted that education produces a better-informed populace who are less punitive—but is at odds with other research that found additional information did not cause people to become more lenient (de Keijser, van Koppen, & Elffers, 2007; Demker, Towns, Duus-Otterstrom, & Sebring, 2008; Lovegrove, 2013).

Costelloe and colleagues (2009) avoided the vexed question of a definition and focussed instead on the community anxiety in the societies in which punitiveness was seen. They interviewed 2,250 Floridans and found a clear link between punitiveness and a fear of crime and a perception that the government was not providing sufficient protection for the physical or economic insecurity of the community (Costelloe et al., 2009). At the same time, Snacken (2010) reviewed the literature and found that levels of punitiveness varied according to the political motivations in Western liberal democracies and the apparent punitiveness of their citizens was associated with state focus on citizen welfare and human rights. Gerber and Jackson (2015) also found that the political structure played an influential role in the thinking of its citizens. They concluded that it was not simply the threat to their welfare that motivated communities in a right-wing authoritarian system of government to increased punitiveness, but their “conservative moral values” and “uncritical submission to authorities” (Gerber & Jackson, 2015, p. 1).

## **Practice**

While earnest debate on the definition was taking place, other researchers were looking to identify the practicalities of punitiveness and to isolate predictors of punitiveness. Early research in Australia by Walker and colleagues (1987) focussed on appropriate sentences for a range of 13 ‘offences’ among 2,551 interviewees and found notable demographic differences for the most serious offences: males who were older, less-educated, had lower incomes and lived in rural areas were generally more punitive and more amenable to the options of life imprisonment or the death penalty. For drug trafficking, murder and violent crimes, they agreed with the judgements of life in prison or lengthy incarceration; however, they were often more punitive with respect to corporate crime than were the original trial judges (Walker et al., 1987). Overall, there were few inconsistencies between the decisions of the respondents and the judges; however, there were consistent differences for groups of sample participants (Walker et al., 1987): people that were more punitive were less-educated, were males, had lower

incomes, and were influenced by their political leanings and their religious beliefs when considering punishments for some of the offences (Walker et al., 1987).

Two decades on, Roberts and Indermaur (2007) analysed 4,270 survey results from the Australian Survey of Social Attitudes carried out by the Australian National University in 2003, and found that the demographic factors education, gender, income, political convictions and religious beliefs were not the strongest causes of punitiveness. Instead, they found a range of contributory factors, a “constellation of beliefs about crime and justice” (p. 62) including media reports that had nurtured the belief that crime rates were increasing even though the opposite was true (Roberts & Indermaur, 2007). A correlation between increasing tabloid consumption and increasing punitiveness was also found by Marie Demker and colleagues (2008) in their investigation of a shift in the levels of punitiveness in Sweden.

Communities in the Western world appear to be demanding longer sentences and greater penalties for similar crimes, with little concern about the permanence of the attendant stigma and little interest in addressing the reasons for offending in the first place. This is the ‘penal populism’ described by Pratt (2000) that may be contributing to the increase in incarceration rates across the Western world; for example, in the US, imprisonment rates have ‘mushroomed’ by 77% from 275 per 100,000 of the population to 501 per 100,000 of the population over a quarter of a century to 2006 (Costelloe et al., 2009). This was borne out by an analysis of the International Crime Victimization Surveys of 2004/05 and the European Survey of Crime and Safety over more than 50 nations, including some non-Western and non-English-speaking ones, which supported the beliefs of Western criminologists that English-speaking common-law nations had a ‘tougher attitude’ towards sentencing, and that victims of previous crime were more likely to favour community sanctions over imprisonment for similar crimes (van Kesteren, 2009).

Velasquez and Lincoln (2009) queried the role of public knowledge and understanding of sentencing, and devised a survey that they administered to 270 respondents across a range of ages. Their findings echoed those of McCorkle (1992) to the extent that when they were well informed, the public supported the aim of rehabilitation and favoured a variety of penal options, including alternative non-custodial sentences (Velasquez & Lincoln, 2009). Their findings supported those of both Kuhn (1993) and van Kesteren (2009) in that victims of previous crimes were less punitive, and those of Roberts & Indermaur (2007) that punitive attitudes arose from

different factors than those attributed by Walker et al. (1987) and McKillop & Helmes (2003) (Velasquez & Lincoln, 2009).

Monterosso returned to the role played by the media in developing the public's fear of crime, citing the way in which the media characterised the social deviant as 'the other' to appeal to the emotional elements of the audience to legitimise their fear of crime and even to manipulate the creation of a more punitive legislative policy (Monterosso, 2009). He foreshadowed my notion of the Triangle of Power (see below) in his definition of punitiveness: "the interplay in late modern society between the media, public opinion and politicians that generates a backdrop to the formulation and implementation of both criminal justice and penal policy" (Monterosso, 2009, p. 13).

In 2011, the Victorian Sentencing Advisory Council with the Australian Research Council conducted a large study of 1,200 randomly selected Victorians to identify predictors of punitiveness (Gelb, 2011). They reported that the three areas most highly correlated with punitiveness were perceptions that crime had increased; worry about crime; and a belief that judges should reflect public opinion when sentencing (Gelb, 2011), which is consistent with Roberts and Indermaur (2007). The research also established that the relationship between demographic factors and attitudes to crime was inconsistent, and that the media played an influential role in the creation of fear and worry about crime and rates of crime (Gelb, 2011). Gelb concluded that the strongest predictors of punitiveness remained public dissatisfaction about court sentencing; perceptions of high crime rates; worry about crime; and unwillingness to accept alternatives to imprisonment (Gelb, 2011).

At the same time, Spiranovic, Roberts and Indermaur (2012) analysed 6,005 responses from participants across Australia, the largest survey of its type to date, and found that the three strongest predictors of punitiveness were perceptions of crime levels; education; and reliance on tabloid/commercial media for news and information. Education has long been seen as a solution to social disadvantage (McCorkle, 1992; Velasquez & Lincoln, 2009). However, this belief had been questioned in the wake of published research findings from the UK, Holland and Sweden, which found that additional information for the participants about the offence and the offender did not necessarily change their minds about the leniency of judicial sentencing (de Keijser et al., 2007; Demker et al., 2008; Lovegrove, 2013).



One explanation for the distinction between the conclusions by McCorkle (1992) and Velasquez and Lincoln (2009), and de Keijser et al. (2007), Demker et al.(2008) and Lovegrove, (2013) could be the difference between the positive long-term effects of education and the short-term provision of information. Higher levels of education are likely to enhance the research respondent's ability to respond to such scenarios used in these studies, potentially undermining the argument that education levels are a key causal variable in measures of punitiveness. Further, education may have an influence on an individual's engagement in civic activities, trust in others and faith in public institutions (Organisation for Economic Co-operation and Development, 2013). Thus, the provision of additional information to research participants may not alter their decisions because they may not all have the capacity to process it in a way similar to people with higher standards of education. Higher educational levels are therefore not equivalent to more information on a subject. Spiranovic et al. (2012) also found that conclusions drawn from other demographic factors such as income, gender and age were inconsistent and thus unreliable predictors of punitiveness; as previously believed (Gelb, 2011; Roberts & Indermaur, 2007; Dowler, 2003).

The combination of results from these two pieces of Australian research (Gelb, 2011; Spiranovic et al., 2012) has produced a useable set of predictors of punitiveness in Australia: perceptions of crime levels; education; reliance on tabloid/commercial media for news and information; public opinion about court sentencing; worry about crime (fear of crime); and willingness to accept alternatives to imprisonment. This is a meaningful set of standards that could reasonably be applied to media reports and legislative proceedings over a period to identify punitiveness in a community.

In the field of corrections, the WA community is informed largely by the media. They have few alternate opportunities to keep abreast of developments in knowledge and understanding of corrective practices. Much of the modern view of offender management is not mentioned in media outlets and there is no public forum through which people can be informed or can participate in enlightened discussions. Across Australia, community members phone radio stations and give voice to their dissatisfaction, and they write Letters to the Editor of the local daily newspaper about the easy lives of prisoners, comparing the privations in the lives of the least affluent citizens with those of the "soft ... luxurious" conditions (Kornhauser & Laster, 2014) for incarcerated people and demanding that such privileges be revoked. The community does not understand the role of privileges in offender management, and the matters of human rights or even human dignity in a civil society are not mentioned.

The tabloid media carry reports of public rallies and meetings wherein people display their discontent with all types of offending, including youth offending and crimes against property or person. The loudest voices are calling for longer prison terms and an abandonment of diversionary options for offences at the lower end of the offence scale. The crimes that produce this sort of reaction are those that allow a kind of 'cultural scapegoating' by segregating the actions of deviant individuals from the 'blameless' majority (Cere, Jewkes, & Ugelvik, 2014). This segregation has been characterised as 'the other' (Garland, 2001). The public's knowledge of the apparently 'light' punishments meted out by the courts comes from articles in popular media outlets, which, due to their own interests in boosting circulation, report only the most sensational instances. By doing this, the media increases the gulf between the world of the offender and upright citizens (Demker et al., 2008; Indermaur, 2009). The uninteresting majority of cases that come before the police and the Judiciary are rarely reported, fuelling the impression of the similarity between real-life crime and the 'hyper-real' crime of television shows, because only those that conform to the expectations of the public are reported (Cere et al., 2014). The result is that some members of the public hold the view that all youth offenders receive a light punishment or a 'slap on the wrist', allowing them to go free to continue to commit more and more crimes with impunity (Roberts & Hough, 2005).

These matters in themselves are not sufficient to undermine the equilibrium of the populace. However, when overlaid onto a public psyche that has been shaken by the dramatic world events of 2001 and later, such matters are enough to unsettle people and to make them feel that their world is unravelling. This is a situation to discombobulate some and leave them floundering; and to force others to cling tightly to what they know. What emerges is a rigidity of perspective, leading to lower levels of tolerance and correspondingly greater levels of punitiveness (Gerber & Jackson, 2015; Costelloe et al., 2009).

### **The Triangle of Power**

The review presented in this chapter is provided to enhance awareness and clarify elements of specific importance to this research, namely the media, the Legislature and the community, and it shows the three-way interdependence of each (Baum & Groeling, 2009). This is the Triangle of Power.

A triangle, a stable three-sided geometric form, can withstand enormous pressure. There are three types of triangle: equilateral, isosceles and scalene. An equilateral triangle has three equal sides and angles and is the most inherently stable; the isosceles has two equal sides and angles; and in the scalene the sides and angles are of different dimensions (Macquarie Dictionary, 2013).

In matters of crime, responses of the public and the media sometimes appear to be the more vigorous sides of the Triangle, and the Legislature is reactive rather than proactive. However, governments can introduce legislation that effects change in community attitudes and shifts social outlooks; indeed they can provoke public reactions through raising fears (Allen, 2008; Isaacs, 2011; Roberts, 2000).

Some claim that there is a causal relationship between the three sides, particularly in relation to a specific set of events (Solomon, 2005; Maddison & Denniss, 2009; Scheufele & Tewksbury, 2007). The three are not causal but retain their own power while applying influence to the other elements that is equal to that which they receive (Dowler, 2003). The nature of the Triangle of Power is that pressure and influence does not go up or down but moves in both directions as necessary. Stories about crime and punishment generate strong reactions within the community and are central to the community's understanding of itself (Cere et al., 2014).

### **The public media**

The first side of the Triangle is the public media and the connection between political decisions and the voting public. Consequently, the examination focusses on the power of the media to engage with both the Legislature and the public, relaying information between the two, both driving the public mood and reacting to it. This power is dependent on features of the media, which can be called the elements of the story, focussing on their potency when they are applied to the dissemination of news about crime. These elements are the choice of language, the use of images and the location and length of an article to indicate 'newsworthiness'. Each is enmeshed with the others, and the examination of each overlaps. The format in which the media outlet presents the news is the 'frame'.

### ***The 'frame'***

The method through which we communicate ideas is deliberately chosen by the sender to be understood by the receiver. This is done every day to ensure that messages

are clearly understood. The theory of linguistic determinism calls this the ‘frame’ of our thoughts, and we choose the precise words to best express our ideas and that will best correspond with the ‘frame’ of the receiver (Thomas, Wareing, Singh, Peccei, Thornborrow & Jonres, 2004). Linguistic determinism is used to establish a beachhead of our thoughts in the minds of other people after which the need for lengthy explanations is eliminated (Singh, 2003). Successful media outlets select the language that most appeals to their consumers, or that they have primed their consumers to expect. Editors and sub-editors can also use their expertise to influence people’s thoughts or ‘set the agenda’ (Indermaur, 2009; Johnson & Milani, 2009; Scheufele & Tewksbury, 2007). Successful politicians also discern the ‘frame’ of the thinking of their constituents and convey their message using the words most likely to persuade them.

Framing is the “*pattern of interpretation* rooted in culture” (italics in the original) used as a shorthand method to report stories (Brüggemann, 2014, p. 61; van Gorp & Vercruysse, 2012). It is a convention adopted by the media that, in the interests of saving time and space, assumes a common set of cultural rules and shared understandings; it directs the public gaze to the socially familiar and in doing so, limits the focus of a story (Collins, 2008; Devereux, Haynes, & Power, 2011; Thomas et al., 2004; van Gorp & Vercruysse, 2012). Tuchman (1978, as cited in Green, 2010) characterised it as a window frame, which limits visibility. In general terms, the average media consumers are not concerned by this because it obviates the necessity of wading through lengthy explanations of background, context, terminology and reputation of the subject matter (Gaines, 2011); however, in other ways, framing is manipulative because it veils the existence of any material outside the frame and thus any viewpoints that may be different to those popularly held (Collins, 2008; Devereux et al., 2011; van Gorp & Vercruysse, 2012).

The frame may not be deliberately constructed to limit public understanding, but it is the result of a combination of cultural values, public discourse and the anticipated time for the public to digest news (Gaines, 2011); a ‘prism’ through which the news is ‘bent’ to suit the needs of the potential reader (Jewkes, 2011). One consequence of this is that it may constrain information and therefore the understanding the public has of a particular matter (Green, 2010). Across a wider range of media outlets, within the same county or region, the framing of a particular matter appears to be similar, so that the news-consuming public is unable, without considerable research expertise, to look beyond the confines of the frame to inform

themselves of different elements of the event or the issue under discussion (Callanan, 2004).

While the frame is generally seen as a construction of a range of cultural matters, there is complication of which to be aware in the selection of news stories—the ownership of the media group that runs the newspaper. The stance of a media group can be a reflection of the ownership, the management team, the shareholders or the individual editor, and is the driving force behind the choice of stories, reporting methods, publication styles and the way stories are written or presented. The perspective of the media owner or editor can set the tone of the publication to reflect, for example, a political, financial or social view (Weight & Cooper, 2015); however, that is a subject for a specific content analysis and is beyond the scope of this study. Therefore, underlying cultural values are combined with directions from management to determine what is included and what is omitted (Hallock, 2009).

In regions where there are two or more media outlets, the print and electronic and online media appeal to different segments of the population. This means that each story is presented differently, consistent with the expectations of the audience, but includes many of the same components; that is, the frame is similar, but elements such as level of detail, choice of words and use of images are different, naturally appealing to their distinctly different consumers. With the competitor in mind, the media organisation uses familiar techniques to maximise ‘stickiness’ to retain its readers and discourage them from going to the competitor (Guerrazzi, Grant, & Wilkinson, 2016). In some cases, additional information may be included that could affect the conclusion drawn by readers; in other cases details or alternative perspectives are excluded. In WA, there is only one daily newspaper common to the entire state—the tabloid *The West Australian* and *The Weekend West* —and the WA print readers do not have the opportunity to read a competing local print publication of similar standing to find extra details that the other paper does not provide.

### ***The elements of the story***

The ability of the media to create a particular point of view in the minds of the consuming public relies on the ‘language’ or ‘idiom’ of the media outlet; this is more than the physical appearance or the format or the choice of image, and it is highly specific. For each medium, a set of practices is followed. In the case of the print media, the typesetting or font, the style of the mast head, the layout and format, the use of

certain types of photographs and the choice of words in the actual report, all form part of the 'language' of that newspaper (Buckingham, 2003). It is the *lingua franca* or the idiom that both liberates and constrains editors. The nuances of these elements are part of the overall package with which people become comfortable and familiar (Buckingham, 2003).

For example "*Close 'public' shooting galleries*" (*Sunday Herald Sun*, April 24 2001, p. 77) is a headline that is meaningful for those people who understand that the term 'shooting galleries' applies to injecting rooms set aside for drug users to inject safely, and not a rifle range or a sideshow attraction. This complies with the priorities of the *lingua franca* for which that newspaper is known (Buckingham, 2003): it delivers the correct amount of sensationalism for the readership; it uses abbreviations and slang terms, shorthand for larger concepts whose explanations would take too long; and its headlines can be read and understood in an instant, because publishers know that their readers skim read to decide whether to buy (Orgad, 2014; Stewart & Kowaltzke, 2008).

In some cases, readers are unaware of the extent of this practice and not alert to the adroit machinations of media editors and proprietors whether or not they are deliberately manipulative (Gaines, 2011). In an age of digital awareness and electronic devices, the headline and the front page are the frontline for the newspaper proprietors in an increasingly crammed competitive environment. Consumers in the Western world are exposed to an interactive world-wide web that includes social media, 24-hour news channels and high-rating 'reality shows' on television, so the print media must capture and hold their attention using whatever tools they have.

### Choice of language

The purpose of all language is to convey a message in a meaningful way (Fiske, 2001). Language in the print media is no different to the use of language in any other public forum except that it is a permanent written record. Semiotic explanations of the written word delineate its three constituents: the marks on the page, which are the words and letters; the code or the way the signs are organised into meaningful channels of communication; and the culture that attaches meaning or associations to the sign (Fiske, 2001). Communication as an act of 'signification' is a way of giving meaning to words, incorporating the 'signifier' (the physical existence of the sign) and the 'signified' (mental concept) (Barthes, 1977; Fiske, 2001; Orgad, 2014).

Comprehension of the written word is brought about through identifying and de-coding the signifier (the written word) and then attaching meaning to it (Fiske, 2001; Perfetti, Van Dyke, & Hart, 2001). The journalist and the sub-editor must therefore be mindful of the literacy levels of the readership and tailor the words accordingly; it would be a waste of newsprint to write an article about a subject for which the community held strong views, if the community members were unable to understand it.

The journalist must therefore avoid complex language to cater for the widest audience. In some cases, particularly in the headlines, the words are blunt and less nuanced, and seem to be more like slogans than a foretaste of the article. The vocabulary must also carry the additional, unspoken message, which relies on the idea of 'shared meaning' among the readership.

The semantic perspective allows the journalist to write in a kind of localised shorthand in the full knowledge that the reading public is reading between the lines; for example there are reporting 'conventions' or 'rules'. One such rule in WA relates to the presumed ethnicity of an offender and requires the use of the descriptor 'light-skinned' or 'dark-skinned' in an effort to overcome years of stereotyping (Deceglie & Cox, 2010); however, the readers consider this terminology to be code or a euphemism for 'non-Aboriginal' or 'Aboriginal' respectively due to their shared understanding of meaning created over many years. In another environment, the descriptor 'light-skinned' or 'dark-skinned' could refer to anyone in the multicultural community from a range of ethnic backgrounds, because the terms are not loaded by shared meaning and can be interpreted literally.

In all types of communication, the selection of words with known but unseen meanings saves time and space, as well as subtly delivering a para-message affecting the reader at a purely unconscious level (Fiske, 2001). Journalists are masters of word craft and are able to convey additional layers of meaning to evoke an emotional response, either negative or positive:

the very act of choosing, citing, and 'styling' certain voices (but not others) in particular ways, all media producers have the potential to re-scale social, cultural and symbolic capital, and thereby 'reshuffle' authority and expertise on particular issues. (Johnson & Milani, 2009, p. 6)

During the term of US President George W. Bush (2001–09), the mainstream press was deemed to be ‘lackadaisical’ (Hallock, 2009, p. 103) because in some cases they did not choose value-free language to allow readers to make up their own minds, but actually appeared to be supporting the president’s plan to wage war in Iraq by selecting words like ‘torture’ rather than the less emotional and more neutral ‘mistreatment’ or ‘abuse’ (Hallock, 2009). However, the journalists were unlikely to have been lazy or careless, but were caught up in the mood of the times after the terrorist attacks of 9/11, and the choice of the word ‘torture’ would certainly have been deliberate.

Words are also used in print articles to convey other messages, such as the language of stereotypes, which is a reflection of the social attitudes of the time (Kian, 2008). Sub-editors have learned to avoid the language of the stereotype in headlines and leading paragraphs, but sometimes messages can be found within the body of an article. The stereotypes of gender and ethnicity are the most commonly used. They are subtle and often escape detection: one example is the trivialising of female achievements in sport by referring to the appearance of female athletes rather than their skill or strength (Kian, 2008). Similarly, anxieties can be evoked and stereotypes reinforced by references to Muslims (Shaheen, 2003).

The language used in the print media has one advantage over spoken radio or television language, which is that the reader can read and re-read the report and be influenced by its message again and again. Therefore, the headline must be eye catching and the language of the report must be sufficiently engaging to retain the reader’s attention. The repeated reading of the message has the power to reinforce first impressions and strengthen the impact on the mind of the reader. The power of the media has always rested with their role as gatekeeper, as outlined by Durkheim. Recently they have become the conduits for the voices of a range of individuals and groups previously denied access to public media forums (Johnson & Milani, 2009).

#### Use of an image

The use of an image in the print media is no longer a question of difficulty or expense; print newspapers that use black print on white paper sometimes publish special photographs of noteworthy events in colour. The use of an image is a matter of choice for the sub-editor for the purpose of the enhancement of the written article or to emphasise an element of the article. It can also convey a message more subtly than the



written word (Devereux et al., 2011). Three types of message are conveyed by an image, the first being the actual image; the second the linguistic message conveyed by associated words; and the third, the symbolism of the image (Barthes, 1977). Reading and processing text can take time, whereas one glimpse of a photograph can be sufficient to convey an entire message (Barthes, 1977; Hall, 2010). In debunking the popularly held myth that the human mind takes in more than half of its 'learning' through the eyes by passive absorption, John Hale declared that the mechanism that was the most effective conduit for learning was the focussed attention and the engagement of cognitive processes (Hale, 2009). Therefore, the image itself may not be an effective tool for an editor unless it is sufficiently startling to attract and hold the attention of the 'reader', but as soon as the mind of the beholder has been engaged by the image, opinions can be formed and impressions can be fostered, thereby confirming both Hale's and Barthes' hypotheses.

Some images are selected because they are sufficiently striking to cement the view in the mind of the beholder that the criminal is not of the same category as the rest of society and is 'the other' (Jewkes, 2008). Similarly, Grimshaw, Smart, Tait and Crosland (2008) reported on a British study that showed a connection between the portrayal of asylum seekers through newspaper photographs and the beliefs of the general public that they were engaged in crime. Research in the US into the impacts of the images used in reports on Hurricane Katrina in 2005 and the Indian Ocean tsunami in 2004 found that US print media used more photographs of 'lives saved' from Katrina, and more of 'lives lost' from the tsunami, implying the distance from home provided an emotional buffer for US readers (Porismita, 2009). Later research on the images of torture from the Abu Ghraib prison in Iraq argued that sadistic images of torture were modern versions of the many photographs from British and US servicemen in both world wars showing the victor with the humiliated vanquished (Carrabine, 2011). The photograph was a method of distancing people from the horror represented by the image, thereby rendering the content, no matter how depraved, morally acceptable to the spectator (Carrabine, 2011).

Jones and Wardle (2008) studied the use of images in Soham in the UK in reports of the kidnap and murder of two young school girls. In this case, a young man was charged with their murder and his girlfriend charged with perverting the course of justice when she provided an alibi for him. Jones and Wardle (2008) examined the coverage of the trial by three daily newspapers—one a broadsheet, one aimed at the middle market and one a tabloid—in 371 articles employing 228 individual images of

the two offenders. The newspaper editors and sub-editors chose to pursue the conventional stereotype of women as normally nurturing and caring, only committing crime if they are truly evil and deranged. The newspapers' uses of images reinforced the popular stereotype without them ever having to write a word. Images of the girlfriend were on average larger than those of the murderer and were sometimes in colour, whereas his were in black and white. Indeed, her image appeared more often than his in two of the newspapers; her image was also at the centre of double-page spreads and photo montages (Jones & Wardle, 2008). The researchers found that although the text always explained the differences between their crimes and the levels of seriousness, her image often appeared closest to the most graphic of headlines relating to his crimes, and the size and placement of the photographs portrayed a different message (Jones & Wardle, 2008). Some stories juxtaposed photographs of the girlfriend with those of a recognisable and menacing photograph of Myra Hindley (a multiple child murderer from the 1960s), and allowed the reading/viewing public to draw their own conclusions. Their loathing of the girlfriend was far greater than that directed towards the actual murderer, requiring that she be given a new identity when she was released from prison (Jones & Wardle, 2008).

The power of an eye-catching image accompanying a report can never be underestimated: it has the power to sway a person's thinking; to entrench a story in someone's mind; and to inform someone who does not have the time to read all of the words. The picture editor is a visual journalist who understands the power of the image to tell a story (Layton, 2011). Research demonstrating the power of two images, one image and no image comprehensively showed the strength of the image in assisting the recall of a story and even the perception of the facts of a story (Zillman, Gibson, & Sargent, 1999). Images are used by newspaper editors for their own purposes, but the consequence for the beholder can be far reaching and long standing.

### Newsworthiness

Of the thousands of events that happen in the world every second, the print media is able to report only some events and even then, only briefly. They need a framework within which they make their decisions concerning what to choose; this is guided by 'newsworthiness' (Newburn, 2013). Recent examples include the frequent reports of suicide bombings or terrorist attacks in the Middle East, which have the effect of keeping these events in the forefront of readers' minds.

The location of an article within a newspaper is an indication of its newsworthiness. In an era when potential readers are busy, there is often little time to read the entire paper even if all of the subjects covered were of interest to all readers. The front page, naturally, is reserved for articles of the greatest importance. This is the page that all news consumers will see, no matter how little time they have. In many cases, editors will try to hold the attention of the reader by placing a small tantalising introduction to another article as a ‘hook’ or a ‘teaser’ on the front page (Leckner, 2012) and then refer readers to a page on the inside for the rest of the information. In this way they are able to use the front page to highlight multiple articles.

It is self-evident that the location of an article will determine how many people see or read it; for example, an article on page 3 will be seen by everyone who opens the newspaper, whereas an article on page 12 will be seen by fewer readers (Stewart & Kowaltzke, 2008).

The reading habits of news consumers have been confirmed by studies of eye tracking (Layton, 2011; Leckner, 2012). Within the page itself, particular positions vary in potency; in Western nations, we read from left to right and top to bottom, and generally our eyes are drawn to the top half of the page (Layton, 2011). This was confirmed by eye tracking research, in which 600 participants wore special glasses containing two small cameras to record eye movement and where on the page the eye looked (Adams, Quinn, & Edmonds, 2007, as cited in Layton, 2011, p. 98).

The most eye-catching element on a page is an image and the position on the page that draws the most first glances is the middle of the page slightly above centre, which is, consequently, where the sub-editor aims to place an image. The plan is that eyes will be drawn to the image, then catch sight of the headline that has been placed either above or to the side of the image and then finally read the first sentence (Layton, 2011). In this way, images provide an entry point onto the page; without them the sub-editor must rely on the headline and possibly the use of colour print (Keane & McMahon, 2013; Layton, 2011).

Readers’ eyes are drawn first to the front page, then to the right-hand page; 3, 5 and so on (Layton, 2011; Leckner, 2012). When eyes look at the page, they notice items in the top half first—particularly photographs or images—and then they will look at the writing immediately to the side of the photograph (Layton, 2011). This is why sub-

editors prefer to position articles next to images rather than under them. If the photograph and the accompanying article are contained within a border, the article will always be read immediately after the noticing of the image. In this way, sub-editors can direct the reader's attention to articles that must, for reasons of layout, be positioned under the image. Articles on the opposite page are not noticed first, which is why the important articles are not placed there. One way in which the sub-editor can fill those pages is to establish a popular column there, such as Inside Cover in the *West Australian*.

### *Length*

The length of an article can be dictated by factors such as the expected public interest in the story, the interesting aspects of a story, the amount of information to hand and the space available (Layton, 2011). As soon as the importance and the placement of a story have been decided, the most common task for an editor is to fit the article into the allocated space (Layton, 2011). Longer articles can be expected to be read for a longer time than short articles; however, short articles can be expected to be read to the end (Leckner, 2012). The sub-editor must decide on the importance of the news item and whether it warrants being read to the end, and balance that decision against the format of the paper and what is known about the preferences of the readership before deciding on its length.

## **The Legislature**

### ***Modern politicians in Western liberal democracies***

The second side of the Triangle is the Legislature. It would be wrong to assume that the modern Legislature is the solid, stable and least capricious player in this relationship. The literature reveals fundamental shifts in the composition of the modern political institution that in recent times have brought about a noticeable weakening of its previous robustness (Johns, 2010; Karp, 2012; Phillips et al., 1998). Modern politicians in Western liberal democracies owe their seats and their jobs to the continued good favour of their party hierarchy and their electorates; for reasons of voter disenchantment and volatility, some do not last for more than one term (Johns, 2010; Karp, 2012; Phillips et al., 1998).

The Legislature and parliament are symbols of the sovereignty of a nation state and signify the legitimacy of its government. The Legislature is sometimes called the

parliament and occasionally the government; however within the doctrine of the Separation of Powers it is only one of the three bodies that comprise the government. Under the structure adopted by most Western liberal democracies as described by Montesquieu [1689–1755], democratic government is comprised of three arms: the Legislature, the Judiciary and the Executive (George, 1922). The job of the government is to provide stable governance for all people; to this end, the Legislature creates the laws, the Judiciary adjudicates the laws and the Executive sets the agenda and puts the laws into action. Each arm is independent of the other two, has divergent but equal authority and is not supposed to interfere with the workings of the others. Under this doctrine, no arm is able to become stronger than either of the others because each works within its own area of responsibility and keeps a check on the actions of others; and sovereignty is not in the hands of any one person or party, but in law and reason (George, 1922). The act of legislating or making a law is the main obligation of an elected parliamentarian, and it is on these proceedings that I am focussing.

The Legislature is the most available of the three arms because it is located in one place and all members perform their legislative duties in that location. Further, it is populated by members as a result of the electoral process which is compulsory in Australia. Because, or perhaps in spite, of this it has the burden of not only appearing to be reactive to public pressure but of actually being reactive. It is therefore a significant rallying point for public attention, both metaphorically and literally.

The parliamentary system within the Commonwealth of Australia and most Australian states and territories is an adaptation of both the British Parliament and the US Congress ('Washminster'), with two houses: the lower house from which the government is formed and the upper house, the house of review. The government is formed by the party that has the majority in the lower house. The other salient feature of the Australian system of parliamentary democracy is the existence of two major political parties, Liberal and Labor. Each party has evolved a set of guiding principles or ideologies from which stem its electoral manifesto and the ideas for its programs of legislation. When in government, each party attempts to implement its legislative plan, but at all times, it is governing for the whole population and therefore has to be responsive to public mood and be seen to be as responsive as practicable. In Australia, voting at the federal and state/territory elections is compulsory for all citizens aged 18 years and older and electors have a view on political activities that translates into a vote during elections. However, the literature reveals a degree of voter disenfranchisement

with the major parties (Cross & Gauja, 2014; Denemark & Niemi, 2012; Karp, 2012; Weeks, 2011) that influences the efficacy of the Legislature.

In recent years, cynicism has increased towards political figures in the industrialised West (Denemark & Niemi, 2012). Research carried out on the presidential and parliamentary systems of government in 16 nations reported an increase in the apathy and disengagement of young people in each system (Denemark & Niemi, 2012). The conclusions augmented findings of research across 30 countries that found that multi-party systems contributed to lower levels of satisfaction with democratic processes, especially if the vote resulted in a coalition government (Karp, 2012). These findings are troublesome within the context of Australia's compulsory electoral system. There is a possibility that voters who are less engaged but are forced to choose someone may vote capriciously; choosing the candidate at the top or bottom of the list, allowing their attention to be captured by a loud, attractive or newsworthy candidate (Weeks, 2011) or simply spoiling their vote, for example, by adding other names or choosing no-one.

Within the Legislature, elected members are naturally responsible to their electorates and to their party, but they are ultimately responsible to the parliament (Phillips et al., 1998; Davis, Wanna, Warhurst, & Weller, 1988); consequently when debates are held, questions asked or incidental comments made, members of parliament (MPs) are mindful of their responsibility to be respectful of parliamentary rules and conventions, and also to be seen to responsive to the public. Over recent years in Australia, the behaviour of some members of the Legislature has been less than statesman like: they seemed determined to gain an advantage over and denigrate their opponent rather than work constructively for the "peace, order and good government" ("An Act to Constitute the Commonwealth of Australia", 1901, S. 51) for which they are responsible.

The federal government in Australia since 2001 has reflected and generated communal unease with respect to world events, national security and immigration issues (Crotty & Roberts, 2008; Wanna et al., 2011; Williams, 2011). Since 2007, it has developed an additional layer of combative negativity (Wanna et al., 2011, 2014; Williams, 2011) with the extraordinary instances of two sitting PMs, one from each side of the political divide, being replaced by their own parties while in office. This is an unusual experience in the normally stable Australian democracy, but is an indication of

MPs' concerns over voter dissatisfaction and their short-term popularity with their supporter base.

### ***Party loyalty***

Changes in Australian public thinking have seen a decrease in allegiances to an ideology from the Right and Left, and memberships of mainstream political parties have declined (Sawer, Abjorensen, & Larkin, 2009). In past years, most voters were loyal to their parties and voted according to the party's well-publicised platform but since the late twentieth century, this is no longer the case (Chaples, 1997; Denemark & Niemi, 2012; Manning, 2002; Sawer et al., 2009). Without the constraint of party allegiance, voting patterns are more fluid, with modern voters being willing to switch their choices according to single issues, personalities of candidates or general cynicism (Manning, 2002; Miragliotta, 2013) because they are required by law to lodge a vote for someone. This makes particularly important the selection process for each major political party, due to the responsibility of the proposed candidate to fulfil the specific needs of each electorate (Cross & Gauja, 2014; Johns, 2010).

The major parties in Australia are the Liberal Party and the Labor Party. Liberals are, despite their name, from the conservative side of politics and thus, are often from business or legal backgrounds; and Labor candidates are largely from left-wing or socialist groups such as trade unions (James & Markey, 2006). These categories are undoubtedly generalisations, though similar stereotypes apply in the Westminster systems of Great Britain (James & Markey, 2006; Weeks, 2011). In recent years, commentators have noted intra-party clashes over potential candidates and declining memberships (Johns, 2010); a reluctance to change the pre-selection processes has contributed to the problem (Miragliotta, 2013). Occasionally, someone outside the immediate selection process has overridden the locally selected candidate if there was a very strong personal following that might have ensured election (Cross & Gauja, 2014). This was the case in Australia in the 2013 federal election, when the Prime Minister at the time, the Right Hon. Julia Gillard (2010-2013) named a local Aboriginal sporting hero as her preferred candidate for a Senate vacancy in the Northern Territory. At the time this was accepted as the 'captain's call'.<sup>8</sup> The reason behind the intervention was an appeal to those people, particularly Aboriginal voters, who had voted Labor in the past but whose support was no longer assured. Labor won

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<sup>8</sup> Captain's call—a decision made by a political or business leader without consultation with colleagues (Macquarie Dictionary, 2013).

the seat and the locals elected their hero. At first glance, it seemed that Labor voters had simply conformed to their historical patterns, but the reality was that voters selected the candidate personally, vindicating the PM's intervention (Australian Electoral Commission, 2013).

In general, it appears that local branches are being careful to pre-select candidates who will attract a personal vote, rather than candidates who are strong party members and whose personal appeal is almost an afterthought. The corollary is that new MPs are doubly beholden—to the party and to the electors—which makes them more vulnerable to the pressures from their electorates. This is a noteworthy factor in the responsiveness of the Legislature to pressures from the media and the public.

### ***The role of the Independent and Minor party members***

Added to this is the growing number of Independent and Minor party MPs who have neither the security nor the funding of a party organisation behind them. There has always been a significant number of unaffiliated individuals who have put themselves forward for election, but few have succeeded. An assessment of voting patterns between 1945 and 2003 in 34 countries including Australia revealed that Independent and Minor party candidates in Australia comprised less than 15% of the total candidates and had only a 2–5% chance of election (Brancati, 2008). From the 2004 federal election to 2016, the proportion of successful Independent or Minor party candidates in both houses of the Australian Federal Parliament grew from 5.75% to 10.62% (Parliament of Australia, 2014).<sup>9</sup>

The upper house is the destination for most Independents and Minor parties because they can form alliances to create 'voting blocs' to give themselves the balance of power. In the Australian system, candidates are listed twice on the upper house ballot paper: once by name, on the bottom half of the voting paper below a line; and once as a member of a party or 'voting bloc' on the top half of the paper above a line. Support for individuals, distinct from that given to parties, can be ascertained by an examination of the votes cast above or below the line: electors can still number the candidates from 1 to the end below the line and decide their own preferences; or they can opt to place a '1' in the box next to the name of the party above the line, automatically adopting the

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<sup>9</sup> The Minor parties in the Australian Federal Parliament after the 2016 election are the Liberal Democratic Party, Pauline Hanson's One Nation, the Jacquie Lambie Network, the Nick Xenophon Team, the Australian Greens, Family First, Derryn Hinch's Justice Party and Katter's Australian Party (APH, 2016).



allocation of preferences pre-determined by that party (McAllister, Mackerras, & Boldiston, 1997).<sup>10</sup> In the days of strong party affiliation, the number of votes cast for individuals was a minor fraction of the number cast for the parties they represented, and was generally stable at around 5.6% (McAllister et al., 1997). In the modern era, the votes cast for some individual candidates, whether they represent a party or a specific platform, are a higher proportion of the total votes cast. In Australia, as in the rest of the Western world, a growing number of voters believe the established parties do not listen to them, or overlook their needs. Each of the successful Minor party or Independent candidates in the 2016 Australian federal election worked hard to appeal to this group of electors.

When successful, these candidates are conscious that their political careers are dependent upon their continuing popularity within their electorates. Thus, they are anxious to promote their ability to respond to community concerns and to foster a view that they serve their constituents attentively and are trustworthy and responsive. Independents and Minor party members can play a very important role in a 'minority' government, where neither party achieves an absolute majority in the House of Representatives and is only able to form government and pass legislation with the support of other MPs, the Independents and Minor parties (Jaensch, 1991). The success of such a government is largely due to the ability of the PM to negotiate and compromise. The minority Gillard Government survived for three years (2010–13) with the support of the Greens and three key Independents, Rob Oakeshott, Andrew Wilkie and Tony Windsor (Wanna et al., 2011).

### ***Sources for new legislation***

The Legislature has a direct link to public sentiment. Ideas for legislation come from a range of sources: for example, the reports and recommendations by parliamentary committees or statutory authorities; the results of research from universities or outside agencies; and departmental advice (Phillips et al., 1998). However, ministers and local members are always available to their constituents and are regularly called upon to speak at community functions, deliver petitions to the parliament, advocate on the behalf of an elector and deal with grievances from the public. In some cases, these matters can lead to legislative responses. Similarly, MPs

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<sup>10</sup> Changes to the federal electoral laws have since been enacted, wherein voters will have to number from 1 to 6 above the line in order of preference and Minor parties will be prevented from swapping their preferences.

are susceptible to pressure from community interest groups (lobby groups), which can also lead to legislative actions (Roberts & de Kaijser, 2014).

MPs also monitor all media outlets throughout the state and across the country for matters relating to relevant portfolios (Parliament of Western Australia, 2013). This enables them to know current concerns, but it has the added bonus of enabling MPs, if necessary, to shape their programs accordingly; for legislation to be drafted, tabled and passed in response to matters of urgency to the community (Roberts & de Kaijser, 2014).

### ***Governments as leaders of social change***

Governments are responsible for enacting laws for peace, order and good government (“An Act to Constitute the Commonwealth of Australia”, 1901) of the country, for the common good and for the safety and security of the entire populace. They also have the power to lead public opinion rather than merely react to it, by enacting legislation surrounding particular issues to which they have a commitment, thereby creating a legal imperative to bring about a shift in behaviour and eventually attitude.

An important social change was promoted through the enactment of the *Racial Discrimination Act 1975* (Cth) by the then PM, the Hon. E. G. Whitlam (1972–75). This act made illegal any form of discrimination based on race, colour, descent, national or ethnic origin or immigrant status (Gaze, 2006). This was not an easy statute to pass because Australia had, since Federation in 1901, been under the control of the so-called ‘White Australia Policy’ and as a result, the community was suspicious of newcomers (Isaacs, 2011; Stevens, 2002), particularly those whose skin colour was non-white and whose religion and culture were far outside the Australian norm (Viviani, 1996). Shortly after the passage of this act, Australia accepted thousands of refugees from South-East Asia, principally Vietnam (National Archive of Australia, 2014). The subsequent PM, the Hon. Malcolm Fraser (1975–83) believed it important that Australia take its share of the very people the war had displaced; during his prime ministership, 56,000 Vietnamese refugees were settled (National Archive of Australia, 2014). Petro Georgiou, who had been the PM’s immigration advisor, suggested in retrospect, that:

Viewed in the longer run it was the entry of Vietnamese refugees that made Australia’s migrant intake multiracial ... it was under [Fraser’s] management that Australia first

confronted the real consequences of abolishing the White Australia Policy. (as cited in Kelly, 2013).

Many people were challenged by the admission of large numbers of diverse people. From the outset the public resisted, but ultimately, within a generation, the example of government-initiated social engineering brought about a general acceptance of Vietnamese people as productive members of the community (Isaacs, 2011). This was an instance of a government with a clear social goal of leading and changing deeply entrenched social attitudes using legislation as the starting point.

In 1996, the newly elected PM, the Right Hon. John Howard (1996–2007) demonstrated the same authority when he stood against the powerful force of the gun lobby to restrict the private ownership of automatic and semi-automatic weapons in Australia in response to the Port Arthur massacre of April 28th, 1996 wherein 35 people were killed and 23 wounded by a single gunman (Chapman, Alpers, Agha, & Jones, 2006).

A hallmark of Western liberal democracies is the community conversation surrounding expectations of government to lead and follow the public mood; all Western liberal governments want to be seen to be responsive to the needs of their citizens (Holmes, 2011; Schofield, 2008). Politicians rely on media reports and commentary as ‘a proxy for public opinion’ (Green, 2010; Solomon, 2005). Media outlets print and broadcast the daily news and canvass opinions from the community as a barometer of public sentiment, thereby informing governments. Governments depend on media reports to publicise their actions and decisions, thereby informing their electorates (Solomon, 2005). In this way, each side of the Triangle relies to a certain degree on the other two to properly perform their roles in the Triangle.

## **The community**

### ***Public activism***

The final side of the Triangle is the community; they can alert the Legislature to their views through the ballot box and can make their views known to one another through public speaking, letters to the press and rallies. In the modern Western liberal democracy, the community has a strong and powerful voice—stronger and more powerful than in the time of Durkheim and even the time of Merton; further, it expects its voice to be heeded. The modern community protests, dissents and advocates for its

‘rights’ in a tactic that French philosopher Pierre Rosanvallon (as cited in Warren, 2010) called ‘counter-democracy’; citizens can protest within the boundaries of their democratic polities without wishing to destroy or replace their democracy with another system of government.

The outlook or mindset of a community is a multi-layered phenomenon; an amalgam of the attitudes of individuals, corporations and private entities, public bodies and governments; and is complex and difficult to measure. An attitude is the result of the inner workings of the mind of an individual and its reactions to the ‘attributes’ of a situation (Ajzen & Fishbein, 1977). Attitude can be located on a bipolar line, sliding along a continuum between two extremes when thinking about an ‘attribute’ or a characteristic in response to a stimulus. Public attitudes thus are the collective expressions of reactions to a set of ‘attributes’ associated with an occurrence of an event and must not be confused with the underpinning values of a society that define it (Echebarria Achabe, Paez Rovira & Valencia Garate, 1988).

An increase in the fear of crime arises because consumers of the news read, hear and watch reports about crime. They sometimes feel themselves to be hostages to crime and in the traditional way they make representations to their local members to bring about legislative changes (Callanan, 2004; Davis & Dossetor, 2010; Roberts & de Kaijser, 2014). However, worried community members in the twenty-first century have many other platforms for making their views known in an attempt to galvanise like-minded individuals or to influence legislative decisions. They are able to write letters to their local papers, organise public meetings and use private or social media to publicise their views. Logically, this has the effect of increasing the community focus on crime and adds to disquiet.

### ***Fear of crime***

Fear of crime is undoubtedly a potent spur to changes in the quality of life (Doran, & Burgess, 2012). It is associated with physical changes such as increased heart rate, decreased salivation and increased adrenaline production (Skogan & Maxfield, 1981). And it is linked to psychological changes such as feelings of anger, frustration, and increases in stress levels (Monterosso, 2009; Kennen, 2013; Tubex, Brown, Frieberg, Gelb, & Sarre, 2015). Whether it be actual crime or the fear of crime, there are factors over the decade under review that would normally precipitate a mood of disquiet. The reaction to 9/11 triggered the feeling of being under siege and every

subsequent crime report, no matter how small, produced anew the sensation of fragility, confirming the shadow hypothesis (Hilinksi, 2009). Vulnerability and insecurity about aspects of life where there had previously been certainty create a state of mind wherein people fear they are losing control over their lives, and become more fearful, more rigid and less accommodating (Hilinksi, 2009). When they are victims of crime or when they hear about crimes, individuals feel themselves to be at risk or helpless, increasing their fear of crime and provoking strong views about punishment.

The practice, or as some may say, the fascination of the community for watching all matters relating to crime is but one of a range of stimuli to influence attitudes (Dowler, 2003). Dowler's work drew from research from the latter part of the twentieth century and investigated 'fear of crime'. He demonstrated that the influence of the media on the issue of fear of crime was greater among the groups of people who had no direct experience of crime (Dowler, 2003). Earlier research had already established that media influence was strongest for females, white people and the elderly (Liska & Baccalagni, 1990, as cited in Chiricos, Padgett, & Gertz, 2000). Moreover, the frequency of television and radio newscasts significantly increased fear in the wider community, whether each item was of a new crime or was merely a repeat of one previously broadcast (Chiricos, Eschholz, & Gertz, 1997). There is speculation that someone with low levels of personal experience with crime looks at the images, interprets the language of the report and supplies the graphic details from their own imagination (Dowler, 2003).

Some research has shown that education about an offender, an offence and the range of punishment options is the key to an informed and reasonable polity (McCorkle, 1992; Velasquez & Lincoln, 2009). A community with the same information as the judge would arrive at the same conclusion and would have greater confidence in other judicial decisions, recognising that judgements were reasonable and punishments appropriate (Allen, 2008). However, there is a body of research whose findings contradict this. Elffers, de Kaijser, van Koppen and van Haeringen (2007) had one group of newspaper readers in regional Holland attend every court case in their town for one year and write about their experiences in every edition of the paper; one group avoided reading the newspaper for the same period. Surprisingly, when the general readership was asked about their attitudes to the punishments, their responses were similar to those of the control group who had not read the newspapers. Thus, the researchers concluded that the educative articles had caused no attitude change in the general readership, who disagreed with the judgement and demanded harsher

punishments (Elffers et al., 2007). Similar findings have been reported by contemporary researchers (de Keijser et al., 2007; Demker et al., 2008; Hutton, 2005; Lovegrove, 2013; Roberts & Indermaur, 2007; Snacken, 2010).

For a criminal justice system to be an effective element in a democratic society, community members must have confidence in it, must trust the Judiciary to properly protect them and must believe that decision making is transparent (Allen, 2008; Mackenzie et al., 2012). Doubts and mistrust are not confined to the research; a multitude of avenues exist through which they are able to question and deride judicial decisions. One predictor of punitiveness is lack of confidence in judicial decisions (Roberts & Indermaur, 2007; Gelb, 2011).

Democratic communities in the Western world operate according to the principle of 'majority rule', with the tacit acceptance of the tolerant accommodation of minority views. In the modern era, the voice of the community has been able to grow due to technological advances and the ability they provide to connect with previously unknown, like-minded souls. Public utterances of personal dissatisfaction, which in previous eras may have been discussed only behind closed doors, are given a level of legitimacy and can provide a rallying point for like-minded individuals. In some cases, however, there are people who become 'vocal vigilantes' whose views are extreme and who disseminate their views to a receptive group of followers.

### ***Perceptions of vulnerability***

Thanks to global media and electronic social networking, communities are surrounded by an unfiltered barrage of events from everywhere. It appears that the entire world is carrying out its activities on one's door step. The public media presents news in a way that is designed to attract attention and inform. In this way it can muddle the 'marginal' with the 'dominant', the 'parochial' with the 'cosmopolitan' and the 'local' with the 'global' (Johnson & Ensslin, 2007, p. 14). Modern technology blurs cultural boundaries that cause challenges to values, changes in the social structures or breakdowns in commonly held goals (Filip, Ciurea, Dragomirescu, & Ivan, 2015; Konieczny, 2014). In this context, people find their stress levels increasing and their safety and security under siege (Kennen, 2013). Consequently there is a need to exert authority over those areas of their lives that they can influence. Merton suggested that under these circumstances, people will either abandon their previously held values (Rebels) or hold them more closely and adhere to them more rigidly (Ritualists).

The overall rates of recorded crime in Australia have fallen (ABS, 2012), but this does not match the perceptions of the public who feel themselves to be under siege (Davis & Dossetor, 2010; Indermaur, 2009). Over two-thirds of people interviewed in the Australian Survey of Social Attitudes (Australian National University, 2003) believed that crime had increased since 2001 (Bricknell, 2008). In reality, homicide, robbery and theft all declined between 1996 and 2006, while only the prevalence of recorded assault—both physical and sexual—increased over the same period.

These perceptions have an influence on policy decisions relating to government regulations and operational police activity (Davis & Dossetor, 2010). The fear of crime is also generated by the type of crime being reported: street crimes, in particular violent personal and property crimes, are reported more frequently than white collar and corporate crime (Bricknell, 2008; Callanan, 2004; Chiricos et al., 2000; Dowler, 2003).

Research suggested two explanations for the development of the public's views of crime and sentencing: the 'experience' theory arising from personal experience or knowledge of crime; and the 'expressive' theory, which explains broader concerns of social change, trust and 'conditions conducive to crime' (Callanan, 2004; Davis & Dossetor, 2010; Jackson, 2004). With crime rates falling, the proportion of people with an actual lived experience of crime as a victim are correspondingly low; so it would appear that the expressive theory can better explain the increase in punitiveness.

The manifestation of this fear of crime is in the form of calls for harsher punishment through legislative responses and discursive articles focussing on the contrast between the 'right-minded' people and the offenders; with a 'them' and 'us' tone; all of which has been characterised as part of the 'moral conversation' (Cere et al., 2014; Roberts & Indermaur, 2007). Across the Western world, there appears to be a corresponding increase in punitiveness (Tubex, Brown, Frieberg, Gelb, & Sarre, 2015). It is the strident public voice impelled by fear that has led to tough laws in some Western liberal democracies, such as 'three strikes' in California (US) and WA. In some cases, legislators pre-empt the public reactions and raise concerns that they then deal with, in an effort to capture the 'hearts and minds' of the electorate and, thus, the vote.

### ***Public humiliation***

The concept of public humiliation as a tool of punishment has been in use for hundreds of years, with the use of stocks and pillories and the throwing of rotting food, but is generally not used in modern times in the light of enhanced knowledge of its

short-term 'benefit' and long-term damage (Torres & Bergner, 2012). Its sporadic re-emergence—for example in the form of punishing persistent shoplifters by making them stand outside the shop in full view of passing traffic wearing a sandwich board on which their admission of guilt is written in large letters (Netter, 2005; Pratt et al., 2005)—would appear to have arisen from community exasperation over repeated offending. The WA Legislature enacted the *Prohibitive Behaviour Orders Act 2010* (WA) in response to ongoing public annoyance with the apparent continual re-offending of some young offenders, and to show that the government was addressing law and order issues by imposing tougher penalties.<sup>11</sup>

The use of the Internet as a public forum in the modern era has short-term consequences similar to the old-fashioned version of public humiliation, on a larger scale, but with no rotten fruit. The long-term consequence, however, is that posts can never be completely erased or removed and so remain as a damaging record for the young offender for all perpetuity. Deliberate public humiliation is a very punitive response. The escalation of negative public opinion and the apparently severe attitudes regarding the punishment of offenders is a matter of concern to those of us who work in the field of criminal justice and criminology. Whatever the underlying cause, it is important to identify both the possible trend, which is developing towards harshness, and precisely what that trend may be. The results of such an investigation would be of great value in the academic discourse surrounding punitiveness and on a more practical level, would be of great value to legislators and policy makers.

This chapter reviewed the literature surrounding the Triangle of Power. The elements of the Triangle—the media, the Legislature and the public attitude—were examined to show their interdependence, where the actions of one causes a reaction in the other two. Each has the power to initiate an action; therefore, the movement between them is equal rather than hierarchical.

Anomie is a state of sustained dis-ease that can only be identified over a period of time. When the elements of the Triangle of Power are studied longitudinally, shifts in community mood, such as an increase in punitiveness, can be identified. The next chapter outlines the research questions and explains the collection and examination of the data from media reports and legislative proceedings, and outlines the method for

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<sup>11</sup> This act targets young offenders 16 years and over, and utilises public humiliation as part of the punishment: the name, photograph, home suburb and individual prohibition of each young offender must be placed on a government website.



the examination of each. There is also an explanation of a series of unusual events and the contributions they made to the general unease of the community. Under 'normal' circumstances, the impact of each would have remained independent; however, due to the events of 9/11, the effect on the community was cumulative.

## Chapter 4: Methodology

In this chapter, I explain the aim and the rationale of this thesis, which is that in WA, we are in a state of Anomie. I outline my method, which consists of a study in three stages. Stage 1 is locally gathered data from a random sample of the state-based media from newspaper archives and the proceedings of the Legislature through Hansard transcripts,<sup>12</sup> in WA and in Victoria over a decade, to identify the community mood of the period. Stage 2 is an examination of the proliferation of pressures on the Australian community over the same decade; and Stage 3 is the consideration of the global changes in the social structures and behaviours in the Western world. I explain the procedures to extract the data from the records and the methods of analysis. I also list the research questions and describe how the findings from the case study will be measured against predictors of punitiveness to answer the research questions.

### The Aim

The aim of this study was to understand why we in WA appear to be more punitive, and to investigate more broadly to ascertain whether punitiveness as a characteristic of the set of behaviours specified as Strain by Robert Merton in 1938, is an indicator that we are in a state of Anomie, described by Émile Durkheim in 1897. To this end, I devised a three stage study: Stage 1 to identify punitiveness in data collected from the media and the Legislature in WA and Victoria over one decade after 9/11; Stage 2 to reveal and examine the factors in Australian society that contributed to disquiet during the same period; and Stage 3, to consider the global factors that provides the social context that contributes to a state of anxiety for people in modern Western liberal democracies. I developed a set of predictors of punitiveness prompted by recent Australian research (Roberts & Indermaur, 2007; Roberts et al., 2011; Spiranovic et al., 2012 & Gelb, 2011) against which to assess the findings to confirm that we are in a state of Anomie.

The perspective of ‘punitiveness’ on which I focussed is that which deals with an increase in the penalty without an increase in the severity of the offence (Daems, 2007; Nelken, 2006); where the punishment appears to become disproportionate to the

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<sup>12</sup> Hansard is the name given to the official edited transcripts of debates and proceedings in Australian parliaments. The name is taken from the name of the first publisher of the reports of the proceedings of the British parliament at Westminster, the *Journals of the House of Commons* from 1774 (Macquarie Dictionary, 2013). It is published daily after the chamber or committee proceedings have concluded.

crime; and where there is an “intensification of the pain delivery either by extending the duration or the severity of punishment above the norm” (Matthews, 2005, p. 179).

### **The Rationale**

The prism through which I view the world is qualitative as it allows me to understand the way people in the community respond to events, and the connections that exist between those events and changes in the attitude of the community. This is achieved through observing people and communities and their lived experiences. The most appropriate genre of formal study of human experience, for me, therefore, was qualitative.

Accordingly, this research was not intended to measure the rates of change in attitudes to crime or punishment, or produce statistics quantifying social trends. Qualitative research yields an understanding of the meaning of the events and situations for participants; the contexts in which the events happen; the phenomena of the events and their influences bringing about new knowledge; and the causal relationships brought about by the phenomena (Maxwell, 2008). Indeed, comparisons between two sets of data from different times in history or from different cities (Punch, 2006) would not be helpful. To a large extent the numbers of newspaper articles, and to a lesser extent the number of mentions made in parliamentary proceedings, are a simple reflection of the numbers and types of crimes that are committed, and do not always reflect the mood and attitude of the times. Nevertheless, the codes extracted from the reports were counted to establish a micro view of community attitudes to shed light on macro changes.

In WA, the one daily newspaper reports several crime stories per day. Some crimes are minor and the corresponding reports are small; others are more serious and in many cases generate articles from several different perspectives, and the readers may think they are surrounded by crime and increasingly need to be in fear for their safety (Hinds, 2005). The absence of another local state-wide voice in the print media market means that public debate does not occur readily and some developing fears are not challenged. The result is the development of a general attitude of intolerance, indignation and fear leading to what I saw as an increase in punitiveness. I was disturbed by this situation because tolerance and forbearance were some of the characteristics of our society and the underpinning principles of our nation. This is why

I resolved to examine the WA community attitude over a period to determine whether the attitudes of Western Australians are indeed becoming more punitive.

The period selected for this study was the decade, 2001 to 2011. In 2001, people in the Western world were beginning to find themselves increasingly unsettled, but the attacks on the World Trade Centre towards the end of the year, accelerated them onto another level of insecurity. Indeed the attacks were so overwhelming that they became a point of reference against which modern social historians and communities measure terrorist-related events. For this research, I compared the public records of both years to establish whether there were any differences in the public mood between the two years; essentially, it was a contemplation of the context in which the behaviours exist (Evans, Gruba, & Zobel, 2011; Punch, 2006).

The word 'punitiveness' is a concept not often mentioned in general conversation. When the general public or the media call for increases in sentence length or harsher punishments for specific offences, they are expressing their fears or outrage over the specific offences and punishments. They do not see these calls as part of a series or an indicator of a trend in attitude change towards 'penal populism' (Pratt, 2008); rather they would identify them, if questioned, as justifiable reactions. The present research sought to compare the findings from the collected data against a set of predictors of punitiveness, to identify an increase in punitiveness.

## **Method**

I sought to contextualise a possible increase in punitiveness within the broader concepts of Anomie in WA. To that end I analysed primary source data to gauge an increase in punitiveness in WA, evaluated the impact of multiple factors affecting the Australian community since 2001 and identified important social and structural changes in the Western world to support my contention that we are indeed in a state of Anomie. To ensure that any changes in WA were not isolated to that community, I also examined similar primary source data from another Australian state, Victoria.

I also assembled a sample of events significant to Australians, which occurred after the 9/11 attacks and evaluated their impact on the community, using media articles, parliamentary enquiries and academic papers. The results were assessed against my hypothesis that we are in a state of Anomie. The examples were chosen because they accrued a set of circumstances whose effects were felt across the whole of Australia and added to the community disquiet.

Further, I assessed a range of social and structural developments that have occurred in the Western world against my hypothesis that we are in a state of Anomie. Across the Western world, there have been many changes in the social structures of our communities, which is to be expected in organic societies. However, there have been some changes that have not been gradual or sequential. These are changes that have challenged our fundamental social values, our homes as safe havens, our financial and employment security, the way in which we receive news, our trust in our governments and our confidence in our safety.

### **Research Questions**

The main research questions were:

RQ1: Is the WA community more punitive over the period of one decade?

RQ2: Is the Victorian community more punitive over the period of one decade?

RQ3: Does the community mood conform to Merton's categories of Strain, leading to the conclusion that we are in a state of Anomie?

I examined two stable publicly available records of note, the daily print media and the Legislature to ascertain whether community attitudes became more punitive over one decade.

A set of predictors of punitiveness was created, based on the work of Roberts & Indermaur, (2007), Spiranovic et al. and (2012) and Gelb (2011). They were:

1. perceptions of crime levels
2. education
3. reliance on tabloid/commercial media for news and information
4. public opinion about court sentencing
5. worry about crime
6. willingness to accept alternatives to imprisonment.

Modifications to the predictors were required due to the limitations of this study. Item 2, education, must be excluded, because I was not in a position to know the level of educational attainment of the readers of the tabloid newspapers. I can assume that the tabloid papers cater for all levels of educational attainment, because their use of language and sentence construction is deliberately uncomplicated (Andersson, 2012).

Item 3 was also excluded because all of the articles analysed were taken from tabloid media and I did not carry out interviews to discover the sources of news; therefore I cannot draw any conclusions about this. I used only the tabloid versions of news and reader reactions to establish whether there were relationships with the remaining predictors.

Item 4 was broadened to incorporate distrust of all include all branches of the government, ie the Legislature, the judiciary and the executive. Distrust of judicial sentencing has been found through previously mentioned research, and distrust of public officials has been shown through the community's readiness to accuse them of misconduct or corruption. This has been demonstrated through the establishment of agencies in all Australian states to investigate public sector corruption.

I added the additional item of language because changes in the nature of the language to a more graphic style indicated a shift in the tactics of the media to 'grab' the immediate attention of the community, playing to its perceptions of an increase in crime and punishment. It would be expected that there be a natural change in language over a period of time, as the trend in language use becomes more informal. The growing number of viable on-line competitors would provoke the media outlet to use its available resources to attract and retain attention, including graphic language in headlines. They were allocated to a framework within which three categories of meaning were created. A similar method was used by Weight and Cooper (2015) in their study of headlines in sports reporting; they chose Critical, Informational and Supportive, based on their content analysis of the headlines.

The present research used the categories of Restrained, Colourful, or Graphic. A full description of the categories can be found in Appendix 1, p. 218, but briefly the Restrained category is for language that reports the facts of the issue in a dispassionate bland manner; does not seek to influence the mindset of the reader; uses conservative or euphemistic nomenclature rather than colloquial speech; and allows for no misinterpretations. Colourful refers to less formal language; sometimes uses colloquialisms or plays on words; relies on readers' knowledge of local references; and at all times is designed to attract attention. Graphic refers to emotive or extreme language that paints a vivid picture, and sometimes uses clinically correct terminology causing the reader to come to one conclusion, removing their option of making a balanced assessment of the material.

Therefore the revised predictors of punitiveness were:

1. perceptions of crime levels
2. public opinion about authority figures
3. worry about crime
4. willingness to accept alternatives to imprisonment
5. use of language.

These items were applied to each of the themes for which there had been a change over the decade to confirm a shift in punitiveness and to strengthen the argument that we are in a state of Anomie.

### **Search terms**

Every society has an underside and each society makes a clear distinction between what is legitimate and acceptable, and what is not. In Western liberal nations, a system has been created in which are placed those behaviours that contravene the acceptable range and this is the criminal justice system. This encompasses two aspects of the community underbelly, which are the commission of the offence and the state-endorsed penalty. The two words, 'crime' and 'punishment' were selected as the search terms because they are the omnibus words for each element. In modern literature, there are a number of synonyms for each word, and the English language, being a rich and diverse vehicle for conveying meaning, contains a plethora of words ranging from the mildest to the most serious that convey specific or particular and sometimes slightly different meanings for the reader or listener. Journalists are wordsmiths drawing from a pool of words, so that their story does not seem repetitive. Therefore the words 'crime' and 'punishment' would be sure to appear at least once in every article, whether it is an article that treats the subject in a careful or guarded way or one that excoriates the criminal justice system. Similarly, members of the Legislature select the words most appropriate for their formal role as the creator of laws and for their adversarial role on the floor of the parliament as the representatives of their parties and constituents. They may also choose synonyms, such as 'misconduct', 'corruption' or 'terrorism' in place of the words 'crime' and 'punishment'; however, the two search terms are certain to be used in relevant exchanges. The search terms were applied to the selected media and Legislatures of each state.

## ***The media***

Newspapers no longer have the social impact or standing they once had; however, they remain a sanctioned, edited and permanent recording of the times. The annual circulation figures for newspapers has declined but their readership still represents around one-fifth of the entire population for each state (Morgan, 2014); even in the prosperous cities of the Western world in the Internet age of the twenty-first century, there are people who do not have, nor wish to have Internet access. For this research, I restricted the examination to the daily newspapers of the states of WA and Victoria because copies of every daily newspaper are provided and stored in all public libraries, universities or other institutions, and are accessible to all readers.

I did not access records from the electronic media for this research due to the volume of television and radio reports from both cities from both years, which would have rendered the project impracticable. Further, access to archives of the relevant television and radio broadcasts from both 2001 and 2011 would have been very costly and may not have revealed anything more about the public's fear of crime than an examination of the print media of the same period. I decided that restricting my research to examining only the newspaper reports from both years and both cities would ensure consistency.

There were other electronic sources of news, such as online feedback pages, online chat rooms, newspaper blogs and comments web pages and it was found that data were limited due to their ephemeral nature. Many of the records from 2011 were unavailable to me because I had not subscribed to them at the time; others had been deleted or over-written. The online electronic records from 2001 were not well developed and not as sophisticated or inclusive as those for the decade later, rendering any comparisons meaningless. Therefore I chose not to include any information from other electronic sources.

In WA, both the *West Australian* (and *The Weekend West*) and the *Sunday Times* are tabloids; there are no competitors in the WA newspaper market for each of these newspapers on their days of publication; however together they provide their readers with a seven-day news coverage. Similarly, in Victoria the tabloids *Herald Sun* and *Sunday Herald Sun* cover the entire week. However, there is another daily newspaper in Victoria, the *Age*, which is somewhat more restrained in its reporting (Layton, 2011; Woolrich, 2013). To make the comparisons more apposite, a direct



comparison was made only between the tabloid versions of the newspapers in the two capital cities and the data collected for the *Age*, were set aside. Therefore, I compared *The West Australian* and *The Weekend West* (six days per week) and the *Sunday Times* (one day per week) from WA with only the *Herald Sun* and the *Sunday Herald Sun* (together covering seven days a week) from Victoria.

#### ‘Demographic’ data

Editions were accessed electronically through online newspaper repositories, Factiva and ProQuest, to enable archival searching of the two years, 2001 and 2011. Each service provides the information made available to it from the original source, and some of the details such as author, date, word count, presence of an image, editorial keywords, and page number may be absent. Using thematic analysis, I analysed all of the articles, editorials, letters and comments gathered through the electronic search.

One element of the ‘demographic’ information for the sample of articles that I wanted to gather for this research is the presence or absence of an image of any sort, whether it was a chart, a photograph, a cartoon or a table. A visual image can be used to attract the attention of the potential reader, or to denote the importance of a news item, or to further explain the item.

The articles sampled for this research were categorised according to the number of words in each, to enable a comparison to be made between the two years. The divisions took into account the three sizes into which articles would comfortably fit: 250 words or less is used in very small daily updates, Odd spots, Letters to the Editor and other public feedback avenues; between 251 and 500 words allows most articles to lay out the argument or the content, provide supporting evidence, introduce expert commentary and reiterate the main argument; and more than 500 words allows public debate to be stimulated and opposing views to be canvassed, including in longer discursive or magazine style articles (Hallock, 2009; Layton, 2011; Leckner, 2013).

Another element is the page number on which the article appeared. I wondered if the location of the article was an indicator of its importance in the mind of the sub-editor; however, this was information was on the periphery of the main research and its presence is not significant to the result.

Although the search terms were limited to the words ‘crime’ and ‘punishment’, a very large number of reports per month was returned (173), which was impractical to

examine, therefore a smaller sample of articles from 99 randomly selected dates was examined. This avoided focus on weekends, weekdays or specific times of the year (Fitzgerald & Cox, 2002). The dates were the same for both years, which meant that the days were different in each year. For instance, the dates for April were 3, 14, 17, 23, 24 and 28. In 2001, this equated to Tuesday, Saturday, Tuesday, Monday, Tuesday and Saturday, while in 2011, the days represented by these dates were Sunday, Thursday, Sunday, Saturday, Sunday and Thursday. The true randomness of the date selection was demonstrated by the fact that some months had fourteen days selected and others only six.

In this way the data were reduced to a manageable size and provided a reliable and informative snapshot of the media reports of crime and punishment in both cities in both years. All of the results of the media search were initially stored in separate computer files for each month, year and city in PDF documents or word documents, and were organised through the assistance of the NVivo computer program (QSR, 2012) and then combined into an Excel spreadsheet. It was not necessary to take into account the circulation figures of each newspaper because each will report crime events regardless of the size of the readership.

An initial set of themes, codes and sub-codes was determined after the reading of all 173 relevant articles published in WA and Victoria on every day of January 2001. The articles dealt with a total of 14 separate and distinct matters to which I assigned code names. After coding of the sample of articles, it became apparent, that there were four strong themes into which the codes fitted neatly. The codes were classified into four broad themes –1. Crime; 2. Community mood; 3. Interest; and 4. Victims

### ***The Legislature***

The most durable representation of a society's sovereignty and its *mores* is its legal system with its paramount law making body, the Legislature. The Hansard transcriptions of the relevant legislation and reports of parliamentary proceedings from both states were available from the state parliament websites from WA and Victoria for the same two years. Both parliaments meet only three days a week and consequently, the number of records is considerably less than those of the print media; therefore all records for each of the years were searched.

The records of parliamentary proceedings were searched in a different way to the search of the media, although using the same terms, 'crime' and 'punishment'. All

speeches or exchanges in which either word was found were gathered and stored in computer files under their month, year and city. I disregarded speeches or exchanges in the parliament wherein either word was used in another context; for example if a member said, “It is a crime that this legislation will not be passed” or “The member opposite is voting against our bill as a punishment for...” the words had been used in a way that was not pertinent to this research, and thus those passages were omitted.

The Second Reading speeches are an important part of the progress of a bill because they contain a clear explanation of the purpose behind it and are delivered by the minister or member who is proposing the new legislation (Phillips et al., 1998). In some cases, the purpose for the introduction of a bill is that it is part of the member’s electoral platform; in other cases, it is due to the demands made of the Legislature by the public through the agency of pressure groups, the media or both (Phillips et al., 1998). These were recorded as bills incorporating Second Reading speeches and debates. Through this mechanism, a minister is able to indicate the alignment of the proposed legislation to specific events in the community, thereby reinforcing the party’s ‘responsiveness’ to the electorate. Politicians always have an eye on their re-election, so any act that is seen as a response to community pressure may coincide with strategic moments in the electoral cycle.

Other incidental comments or contributions in either house not related to the passage of bills may refer to events in the community, a grievance motion or the tabling of a petition. In some cases, the comments or remarks were an immediate reaction to a pertinent community incident demonstrating a direct link between the mood and attitude of the public and its governing body. These were recorded and discussed under the heading ‘Incidental comments’. A function of elected office is the responsibility to ensure re-election, and MPs who are looking to their own political futures would naturally go ‘on the record’ to demonstrate their responsiveness to their constituents whether or not they planned to follow up their words with legislative changes; whatever the case, the incidental comments are by far the most immediate reactions to be recorded.

A note of caution is that frequently the process of legislation takes place over a number of months, sometimes overlapping two years. When the focus of this research turned to the Legislature in both years, there were naturally some aspects of the findings far from ideal; some completed pieces of legislation had been first introduced in the previous year, begging the question of whether they should be included in the

count, or excluded entirely; some potential acts were at the 'bill stage' and were not only unpassed, but had also yet to be amended by Opposition suggestions; and some pieces may have been passed by both houses, but were yet to receive the Royal Assent that allowed them to actually become law. I decided that all of the acts listed on the parliamentary websites for both WA and Victoria as passed in either of the two years were to be counted; this included the Second Reading speech and all accompanying debate for the two years.

The main issue to note, however, is that most legislation is the product of a great deal of research and consultation with interested parties, the process of which may take anything up to five years. Therefore, the introduction of a piece of legislation is not a daily or weekly event, and many years will pass before updated or amended legislation will be tabled for one of the major areas of government responsibility, such as law and order. This is despite many changes in the society that may have rendered an early act almost obsolete; for example the *Police Act 1892* (WA) is still current, despite the many procedural changes that would have made the modern police unrecognisable to the drafters of that act in 1892; a great many amendments to this act have been passed, but the original act has not yet been rescinded and replaced. In 2001, of the 40 pieces of legislation enacted in the WA parliament, 23 were amendments to existing acts.

## **Procedure**

I examined articles from a random sample of the print media and all proceedings from the state parliaments in two years, 2001 and 2011. This technique, known as maximum variation, documents all circumstances and variations—both expected and unexpected—and identifies important common patterns (Punch, 2006). WA is more punitive than other Australian cities (ABS, 2011), and it appears that it has become even more punitive; thus, a comparison over a decade of the attitudes to crime and punishment of the community of WA is not sufficient to demonstrate a general increase in punitiveness in Western liberal democracies. Therefore, to increase the robustness of the research findings, the same examination had to be made elsewhere. Accordingly, the research investigated one other Australian community, Victoria. These jurisdictions were selected because both are strong, modern Western liberal democracies (Pratt, 2008) with politically active citizens and governments responsive to their electorates, but with one major set of differences: in the decade under examination, WA was the state with the highest rate of incarceration at 257.9 prisoners per 100,000 of the population, whereas Victoria had one of the lowest rates, at 130.7

per 100,000 population, against the Australian average of 184.3 per 100,000 (ABS, 2014; Department of Corrective Services, 2011).

A direct comparison between Victoria and WA would not demonstrate a change in punitiveness, because one state, WA, was already ranked as more punitive but a shift in the attitudes that are the hallmarks of punitiveness in both states should reflect a change in punitiveness over time and be a starting point for further study.

The analysis for this research was largely qualitative as mentioned above. The branch of qualitative analysis used for this research was thematic analysis. This is a method of analysis for large tracts of text and is sometimes seen by researchers as the springboard for conducting more complex forms of qualitative analysis; however, on its own it can be used for identifying, analysing and reporting themes and patterns in data (Braun & Clarke, 2008). A theme captures something important about the data in relation to the research question.

The next question is: what counts as a pattern or a theme? It is an aggregation of similar matters—grouped together under an overarching heading—identified by a combination of inductive and deductive analysis. Inductive analysis is the revealing of themes that emerge from data because the researcher has an objective in mind but no preconceived expectations; deductive analysis is the process of finding elements of the data that match existing theoretical ideas (Hsieh & Shannon, 2005; Joffe & Yardley, 2004). The identification of themes is often a combination of both, because it is not plausible that a researcher would ‘find’ unexpected themes emerging from the text without having any active input (Braun & Clarke, 2008; Joffe & Yardley, 2004). Similarly, deductive analysis is not possible in isolation because researchers pursuing only the ideas they already had in mind are likely to overlook unexpected aspects of the data that may be the basis for the establishment of additional themes (Braun & Clarke, 2008; Joffe & Yardley, 2004).

Thematic analysis is similar to content analysis, because both allow the researcher to distil meanings from large quantities of text and create codes to be grouped with other codes to form the overarching theme or coding schema or frame (Joffe & Yardley, 2004); this is the mechanism that allows for a systematic exploration of the selected transcripts.

There is some debate over what counts as a pattern and what ‘size’ a theme needs to be (Braun & Clarke, 2008; Joffe & Yardley, 2004). Ideally, there will be a

number of instances of the theme across the data set. However the frequency of a theme in a piece of text does not reflect its importance. (Braun & Clarke, 2008; Joffe & Yardley, 2004). Its significance is determined by the mind of the researcher responding to the research questions; therefore, its interpretation is subjective, although a clearly articulated coding schema ensures a high standard of consistency (Braun & Clarke, 2008). Themes can also be manifest or latent; that is, they are either observable through direct mention or are the reported 'facts'; or they can be found through their implicit occurrence in a phrase or a sentence or from the context or the tone of the report (Denton, 2010; Joffe & Yardley, 2004). Both types are included in the final analysis.

The sample of circumstances was examined for their impact on the Australian community. The sample was chosen mainly from the months immediately after the terrorist attacks but also included some events which echoed the 9/11 attacks and some social circumstances which influenced the lives of Australians. Each compounded the effects of unease and would certainly have contributed to the shift down the path towards Anomie.

The components of Stage 3 are a sample of social developments that have influenced and altered the way that people in the Western world conduct their lives. They range from changes in the organisation of societies, changes in the dissemination of news, movements in world populations that confront our financial and domestic security and our notions of the stability and wisdom of elected governments. Each is part of the backdrop to the twenty-first century world that is under examination and each would cause upheavals to our communities. Their combined effect was assessed to contribute to the progress towards Anomie.

## **Analysis**

The first step was to devise a preliminary range of codes into which the relevant parts of all texts could be allocated. I read every article with the words 'crime' or 'punishment' from the full text of all four newspapers for January 2001 and paid particular attention to the most important subjects, issues and sentiments canvassed by each article (Joffe & Yardley, 2004). This allowed for creating a set of codes to distinguish different aspects of the content, ready for further analysis (Maxwell, 2008). The initial coding schema was thus established, but was always subject to revision to include additional codes when it became evident that they were warranted according to

the selection criteria (Maxwell, 2008). In this way, the coding schedule was set for the articles for 2001. After reading through the articles for 2011, it became necessary to add subcategories to the coding schema (Maxwell, 2008), which then required a re-coding of the articles within the specific codes from 2001 to make the years comparable.

The categorising of sentences and phrases was completed using the computer software, NVivo, to sort and organise the data into nodes. To prevent confusion, each node became the name of a code, so that the terms were interchangeable. This computer package relies upon the instructions inserted by the user, thus the coding categories or node names were created in response to the mention of crimes or crime types, or the use of particular phrases, or sentences in each of the articles from every day in January 2001.

In qualitative research involving interviews with participants, a record is made of their demographic details. The present research did not involve interviews with participants. However the articles were interrogated in much the same way and a 'demographic' style of record was made of aspects that are pertinent to newspaper articles—including such elements as the headline, the positioning of the article, its length, the use of images, the type of language used—and that appear in the articles in the daily newspapers of both cities. These data were useful for subsequent analyses.

### **Qualitative data**

My original plan was to code the parliamentary speeches and exchanges in the same manner as the newspaper articles. This was impractical due to the volume of words politicians use to convey their meanings. MPs are able to speak for between 15 and 30 minutes to convey their meaning during a debate, covering many pages of Hansard (Parliament of Australia, 2016). This is then published on an electronic database and in large volumes, both being available for any citizen to access. Politicians know that a permanent record is made of their proceedings; and they know that they can be held accountable by their constituents or their party or both. Therefore, they ensure that when they speak they include everything they think is relevant for the subject at hand, for their constituents and for themselves. With this in mind, each piece was read to extract its meaning and to assess its provenance.

There were nine articles that were coded differently the second time, which caused me to be more specific and unequivocally tighten the comprehensive explanations for each code. This ensured that every article was coded consistently.

To maintain consistency across the entire data set, I devised a coding schema based on the media articles collected in both cities from January 2001. It was designed with clear guidelines and definitions (Appendix 1, p 222) to be followed objectively, so that the same result could be obtained by anyone else were the research to be repeated in this forum or in another by a different researcher with other media. The coding was verified using the 're-test' method; that is, after a break, I re-coded each article to ensure consistency (Kangas, Vuori, Luoto, & Kylänen, 2015). The codes created through this process were applied to the random sample of articles from the print media from 2001 and 2011 in WA and Victoria.

The assessment of the selected passages from the Hansard records for words or phrases was made according to the themes identified in the media analysis to allow the research to be transferable. Manually assessing passages for words or phrases was rigorous and methodical and emphasised the value of computer-assisted packages such as NVivo for the task (Noaks & Wincup, 2004).

### ***Media***

Within each article, every pertinent phrase or sentence was allocated to a code. If a particular passage or even entire article was found to be relevant to more than one code, it was recorded in each. In this way, phrases and sentences were assigned a label. Each subsequent article was examined for phrases to which any of those labels applied and the relevant segments were recorded within the NVivo node (Finch & Fafinski, 2012); and so on.

There were 14 codes suggested by the content of the articles and they were numbered 1–14 in alphabetical order according to the name of the code. They fell into four themes: Theme 1, 'Crime', was the type of crimes committed; Theme 2, 'Community mood'; Theme 3, 'Interest', was matters that piqued the interest of the readers; and Theme 4 was 'Victims' of crimes.

### ***Legislature***

There is a direct connection between the parliamentary proceedings, the activities of the public through such agencies as pressure groups, and the support they find in the popular media. Many parliamentarians, particularly Independents and members of Minor parties recognise that they owe their popularity and their jobs to their perceived responsiveness to constituent demands. The Standing Orders for both



houses of both the WA and Victorian parliaments provide clear rules on time limits for speaking (Legislative Assembly of Victoria, 2010; Legislative Assembly of Western Australia, 2014; Legislative Council of Western Australia, 2013). Nevertheless, some speeches are many Hansard pages in length.

The codes devised for the media articles were not applied to the passages from the Legislature due to the sprawling all-encompassing nature and length of each passage; however the four themes were applied.

### **Numerical analysis**

A numerical breakdown was employed, using descriptive statistics that were enhanced by the qualitative findings (Liamputtong, 2009; Miles, Huberman, & Saldana, 2014; Taylor & Trujillo, 2001; Zhang & Wildemuth, 2009).

For the media, the codes were counted and analysed using descriptive statistics, entered into tables (Appendix 3) and compared between the two years for both polities. For each table of codes or themes, the differences between the two years in question are shown as a percentage. If the difference is an increase, it is given a grey background, if the difference is a decrease, it is shown with a clear background.

For the material from the Legislatures, the two separate types of parliamentary interactions, Debate and Incidental comments, were counted and analysed using descriptive statistics, entered into a table and compared between the two years for both polities.

### **Anticipated Limitations**

The research covers two Australian states over one decade, which is not sufficient to draw conclusions about trends in Australia or even in the two cities. However, if differences between the two cities show increases in the predictors of punitiveness, this may indicate the need for further confirmatory research to demonstrate that we are in a state of Anomie.

The qualitative findings from this research are not generalisable to other Australian states, although results may provide a reasonable indication of their attitudes. For a more accurate determination of whether societal attitudes had changed over time throughout Australia in each state or territory to enable generalisations about punitiveness to be postulated, this research could be replicated using the same search

terms and searching the same two databases in the same two years in two different cities.

This chapter has explained the methodology and the method for this study. It presented the research questions and explained how the data from each of the Stages of the research was to be incorporated as evidence into the discussion of punitiveness as a symptom of Anomie. The following chapters detail the findings from examining the media (Chapter 5) and the Legislature (Chapter 6) in each state over the two periods. Chapter 5 reveals the themes from an analysis of the media articles and discusses similarities and differences between each year in WA and then in Victoria. It then identifies the similarities and differences in the reporting between each city. The chapter also examines the journalistic devices that the newspapers utilise. Chapter 6 examines the debates and exchanges relating to the search terms 'crime' and 'punishment' that took place in the Legislature of WA in 2001 and 2011, and carries out an examination of the debates and exchanges in the Legislature of Victoria in both 2001 and 2011.

## **Chapter 5: Stage 1 - What the Papers Say**

### **The Evidence from the Print Media**

The dissemination of news in the twenty-first century is reactive and informative at the same time. Historically, newspapers were predominantly one-way avenues of communication; reporters and journalists brought their stories to the editors and sub-editors and they were shaped and used or not, in the next edition of the newspaper. They emanated from one physical location and were published for readers within the region or the state. Similarly, television and radio news services were broadcast for a local or state-wide audience. The public were the consumers of the news and rarely had the opportunity to influence it, comment on stories or let other people know their views. The notable exception was the Letters to the Editor page in the print media, although all letters were inspected and only those that were well written and presented a cogent point of view were printed. Nonetheless, this was a forum of sorts for members of the public. Modern media outlets, in contrast, are more varied and are accessible to a larger number of consumers, who can have their opinions published more easily and make their views known. In this way, the public gained a formidable voice.

The previous chapter discussed the findings from the development of the thematic analysis of the media articles and legislative proceedings. This chapter reports on the broad themes and codes created through the thematic analysis of each of the media articles from both years and both cities. It identifies similarities and differences between each year in WA and each year in Victoria. It also examines the journalistic devices that the newspapers utilise.

### **The Newspaper**

A sample of the relevant articles from the four major newspapers from WA (*The West Australian* and the *Sunday Times*) and Victoria (the *Herald Sun* and the *Sunday Herald Sun*) from both 2001 and 2011 were coded according to the themes that arose from a detailed examination of all of the ‘crime’ or ‘punishment’ articles from January 2001.; the numbers of articles by state and year are shown in Table 1.

Table 1: Numbers of articles sampled from the four tabloids in the two cities

<b>Year</b>	<b>WA</b>	<b>Vic</b>	<b>Total</b>
2001	431	461	892
2011	246	313	559
Total	677	774	1,451

The search samples 1,451 randomly selected articles from both cities and from both years for all daily newspapers. This total comprises 431 from WA in 2001, 461 from Victoria in the same year, and in 2011, 246 from WA and 313 from Victoria (Table 1).

A number of Sunday articles simply reiterated the most notable news stories from the preceding week, and others were fresh articles relating to events from the weekend. For example, on Tuesday, February 22nd, 2011, the *West Australian* reported “Police demand reporter’s notes”; on Friday, February 25th it printed “This is how it could have happened and where I think she was buried”; and on Saturday, February 26th, “Murder accused flies in” was published. A story giving a general summary of the events was published in the *Sunday Times* “Murder charge heard in court” on Sunday, February 27th, 2011. In this way, the *Sunday Times* acted as an adjunct to the *West Australian* but also served to increase the total number of articles about the same crime.

## Themes and Codes

Many articles contained information pertinent to more than one code; hence the total incidence of codes is greater than the total number of articles (Table 2).

Table 2: Comparison between the numbers of articles and codes from tabloid articles in 2001 and 2011

	<b>Total articles</b>	<b>Incidence of codes</b>
WA 2001	431	2,511
WA 2011	246	1,260
Victoria 2001	461	2,566
Victoria 2011	313	1,674

As indicated in Table 3, Theme 1, Crime, is the reporting of the actual crime (Codes 3, 5, 9, 10, 13); Theme 2, Community mood, is the reporting of the public fears,

attitudes or perceptions (Codes 1, 2, 6, 7, 11); Theme 3, Interest, is the reporting of matters in which the reading public would be expected to have an interest, such as cost, sexual matters and research (Codes 4, 8, 12); and Theme 4 is Victims of Crime (Code 14).

Table 3: Codes and themes into which they fell

<b>Theme</b>	<b>Code name</b>	<b>Sub-code name</b>	<b>Code/Sub-code</b>
2	Cause for thought		1
2	Community concern		2
1		Public sector misconduct	3
3	Cost		4
1	Drugs and/or alcohol		5
2	Fear and anxiety		6
2	Human interest		7
3		Sexual activity	8
1	Offence against the person		9
1		Sexual assault	10
2	Police activity		11
3	Research citing		12
1	Robbery and/or theft		13
4	Victims		14

An analysis of the sample articles from 2011, confirmed that some articles and comments within each of these codes were concerned with a specific, smaller element of each; for example in Victoria there was a strong focus on public sector misconduct and corruption. Public sector misconduct (Code 3) was created as a sub-code within Community concern (Code 2) to accommodate this. In the interests of rigour, all of the 2001 articles from both cities already classified under Community concern were re-analysed. Thirty-six articles from the 2001 sample were thus allocated to the new Public sector misconduct code, which contained 85 articles from 2011. Examples of these articles can be found later in this chapter under the heading of Public sector misconduct. A noteworthy difference between the two years is the use of the language, which will be discussed later.

Human interest (Code 7) was created because the articles largely covered community concerns. In 2001, concerns usually related to the families of victims or offenders, to matters for public discussion or to matters for referral to the Legislature.

What became apparent during the analysis of the articles from 2011 was the unexpected amount of attention paid to the sexual habits and practices of some of the subjects of the reports, thus producing a new code, Sexual activity (Code 8). Again, in the interests of rigour, articles from 2001 already classified under Human interest (Code 7) were re-coded.

Offence against the person (Code 9), which corresponds to reports of an actual crime—‘offence against the person’ or ‘assault’—was split and a separate code created for the crime of Sexual assault (Code 10). In the 2001 reports, there was a similar number of sexual assaults as in 2011, but they were referred to as ‘indecent assaults’; thus, a sub-code was created to accommodate the free use of certain previously unpalatable language, and the 2001 reports have been re-coded if necessary.

The intention behind this analysis was to measure the shifts in those elements of community attitude that equate to punitiveness, which are contained in Theme 2, and can also be identified in the proceedings of the Legislature.

#### **WA: 2001–2011**

In 2001 in the WA sample, there were 2,511 instances when the codes were found in the articles and 1,260 in the 2011 sample.

The following findings are presented as percentages to demonstrate the relative change between the two data sets from 2001 to 2011 (Fitzgerald & Cox, 2002). The numerical differences between the two years are shown at the end of each table as percentage point differences. In some cases, this does not convey an accurate reflection of the size of the change in relative terms, which will be highlighted in the text.

Table 4: WA—Themes 2001, 2011

Theme	2001		2011		Percentage point difference
	n	%	n	%	
1. Crime	537	22.4	285	23.62	1.22
2. Community mood	1522	60.62	737	58.50	-2.12.
3. Interest	173	6.89	78	6.19	-0.70
4. Victims	279	11.1	160	12.7	1.60

Table 4 shows the proportion of total articles in each theme in both years. The direct comparison for Theme 1, revealed fewer actual reports in 2011 than in 2001; but as a proportion of the total reports for each year, it represented an increase of 1.22 percentage points. There was a corresponding increase (1.60 percentage points) in the proportions of the total reports spent on Victims. However, the reporting in each year was based directly on the occurrences of actual crimes that took place and were specific to the year; the difference in numbers is not germane to this investigation. Offences may be prompted by difficult social or economic conditions, an investigation of which is beyond the scope of the present research. Nevertheless, the comparison between both years for the four themes shows a consistency in their proportion within all articles.

Table 5: WA Number and proportion of articles within Theme 1 (Crime)

	2001		2011		Percentage point difference
	n	%	n	%	
3. Public sector misconduct	17	3.17	34	11.93	8.76
5. Drug and/or alcohol	107	19.93	43	15.09	-4.84
9. Offence against the person	231	43.02	132	46.32	3.30
10. Sexual assault	34	6.34	11	3.86	-2.48
13. Robbery and/or theft	148	27.56	65	22.81	-4.75

Table 5 shows the codes within the theme of Crime for 2000 and 2011. There was only a small increase in offence against the person. Public sector misconduct shows an increase of 8.76 percentage points, yet in reality it is an almost three-fold increase as a proportion of articles. This is a meaningful finding from these data.

Table 6: WA Number and proportion of articles within Theme 2 (Community Mood)

	2001		2011		Percentage point difference
	n	%	n	%	
1. Cause for thought	125	8.22	25	3.40	-4.82
2. Community concern	427	28.06	230	31.21	3.15
6. Fear and anxiety	332	22.01	115	15.61	-6.40
7. Human interest	416	27.34	239	32.43	5.09
11. Police activity	222	14.59	128	17.37	2.78

The important differences between each year highlight the effect that crime has on the people of the city, their attitudes to crime, and their fears for their safety, within Theme 2, Community mood as shown in Table 6. This is the area of importance in the discussion about punitiveness because it is where the emotional, ethical and moral attitudes are centred. The predictors of punitiveness devised for this study are perceptions of crime levels; public opinion about court sentencing; worry about crime (fear of crime); and willingness to accept alternatives to imprisonment.

Within this theme, community concern as a proportion of all Theme 2 codes increased despite the reduction in actual crime reports over the decade (ABS, 2012). This implies an increase in the attention paid to the effect of crime on the community relative to its actual incidence; and is therefore a strong indication of the influence by the media on public attitude. Fear and anxiety decreased over the period, but Table 7 shows that the focus on community attention to matters of crime and punishment nearly doubled in the period under discussion, despite the decrease in reported crimes. Further examination of the language used in articles is necessary to determine whether there was an increase in punitiveness in the mind of the community, or a change in the type of language used by the media.

The proportion of articles coded as Human interest increased despite the reduction in reported crime. Fewer crime reports in 2011 than in 2001 would suggest there would be less attention paid to those aspects of criminal behaviour that would



lead to an increase in the community unease; yet this was not shown. One explanation for this increase could be an increase in the contributions in newspapers about the same crime.

The proportions of coding for police activity increased over the decade. This figure was unexpected because reports of crime nearly halved in number, and it would be a logical assumption that police activity would also be nearly halved. Many articles reported that the police were in attendance at a crime scene, or were about to be called or were planning to make a statement later—whether the article was about a stolen bicycle or a murder.

Table 7: WA— Number and proportion of articles within Theme 3 (Interest)

	2001		2011		Percentage point difference
	n	%	n	%	
4. Cost	115	66.48	49	62.82	-3.66
8. Sexual activity	25	14.45	13	16.67	2.22
12. Research cited	33	19.08	16	20.52	1.44

Table 7 shows an increase in the proportion of references to sexual activity despite the large decrease in reports of sexual assault (See Table 5). Reasons for this could include increased attention paid by the media to specific aspects of some assaults, to the prurient interest of some people wanting to hear about other people's sexual practices, or to the reporting of legislative debate on the amendments to the *Criminal Investigation Amendment Act 2011* (WA).

Table 8: WA — Number and proportion of total articles within Theme 4 (Victims)

	2001		2011		Percentage point difference
	n	%	n	%	
14. Victims	279	11.12	160	12.70	1.58

Table 8 showing Theme 4 (Victims) revealed an increase in the proportion of references to victims within all newspaper articles over the decade. Despite the reported crime almost halving from 2001, an increase in the attention paid by media

reports to the victims of crime has the effect of focussing the community mind on the sad, tragic or heart-rending aspects of crime and punishment.

### **Victoria: 2001–2011**

In the 2001 sample of articles from the selected Victoria tabloids, there was a total of 2,566 instances when the codes were found, and 1,674 in 2011. The content of the articles was split between four themes: Crime, Community mood, Interest and Victims. Again, their subject matter fitted into several of the codes identified at the beginning of this research, and the incidence of codes was greater than the number of articles.

Table 9: Victoria—Themes 2001, 2011

Theme	2001		2011		Percentage point difference
	n	%	n	%	
1. Crime	550	21.44	395	23.60	2.16
2. Community mood	1537	59.90	937	55.98	-3.92
3. Interest	197	7.68	111	6.63	-1.05
4. Victims	282	10.99	231	13.80	2.81

Table 9 shows the proportion of total articles in each theme in both years. The direct comparison for Theme 1, crime types (2001: 550 and 2011: 395) revealed fewer actual reports in 2011 than in 2001; but as a proportion of the total reports for each year, it represented an increase. However, the reporting in each year was based directly on the occurrences of actual crimes that took place and were specific to the year; the difference in numbers is not germane to this investigation. Offences may be prompted by difficult social or economic conditions, an investigation of which is beyond the scope of the present research. Nevertheless, the comparison between both years for the four themes shows a consistency in their proportion within all articles.

Table 10: Victoria Number and proportion of articles within Theme 1 (Crime)

	2001		2011		Percentage point difference
	n	%	n	%	
3. Public sector misconduct	19	3.46	51	12.92	9.46
5. Drug and/or alcohol	123	23.37	54	13.67	-9.67
9. Offence against the person	221	40.19	200	50.64	10.45
10. Sexual assault	37	6.73	28	7.09	0.36
13. Robbery and/or theft	150	27.28	62	15.70	-11.58

Table 10 shows an increase in the proportion of mentions of crime in the articles over the 10-year span, with an almost three-fold increase in public sector misconduct.

Because the number among the sample of articles reporting on crime reduced, a reasonable expectation would have been for there to be a similar decrease in the proportion of the relevant codes; however, there was an increase in the reports for Theme 1.

Table 11: Victoria Number and proportion of articles within Theme 2 (Community Mood)

	2001		2011		Percentage point difference
	n	%	n	%	
1. Cause for thought	188	12.24	24	2.57	-9.67
2. Community concern	416	27.07	291	31.06	3.99
6. Fear and anxiety	270	17.57	131	13.98	-3.59
7. Human interest	464	30.19	314	33.52	3.33
11. Police activity	199	12.95	177	18.89	5.94

The differences between each year highlight the effect that crime has on the people of the city, their attitudes to crime, and their fears for their safety, within Theme

2, Community mood. This is the area of importance in the discussion about punitiveness because it is where the emotional, ethical and moral attitudes are centred.

Table 11 shows all of the articles in the random sample relating to anxiety or concern were reduced between 2001 and 2011, implying that the degree of concern the Victoria community felt for matters relating to crime and punishment decreased in accordance with the reduced numbers of reported crimes. Special mention needs to be made of the reduction in reports coded Cause for thought (Code 1). It is unclear why this occurred, but it could be speculated that in 2011, there was an increase in the attention paid by the Victorian parliament to crime, and an increase in attention paid by the community to the reports of corruption within the Victoria Police, which may have served to distract the community and the media away from a focus on crime and punishment *per se*. There was an increase over the decade in the proportion of codes relating to Community concern, despite a decrease in reported crimes over the period (ABS, 2012). There was also an increase in the proportion of codes for Human interest.

References to police activity increased by 45.87% over the 10 years. The reason may be related to an increase in particular crimes, or it could be that mentions of police activity were a reminder that crime was increasing and that the community had reason to be worried. Certainly the increased number of references to the police exceeded the number that would be reasonably necessary for the small increase in the media reports of crime and the decrease in recorded crime statistics (ABS, 2012).

Table 12: Victoria Number and proportion of articles within Theme 3 (Interest)

	2001		2011		Percentage point difference
	n	%		%	
4. Cost	91	46.20	56	50.45	4.25
8. Sexual activity	33	16.76	7	6.31	-10.45
12. Research cited	73	37.06	18	16.22	-20.84

In Table 12, it can be seen there was a considerable reduction in references to sexual activity and to research cited, but a small increase in the references made to the cost. This referred to either the cost to the community of the crime, the amount of money or the dollar value of the stolen goods.

Table 13: Victoria Number and proportion of articles within Theme 4 (Victims)

	2001		2011		Percentage point difference
	n	%	n	%	
14 Victims	282	10.90	231	13.80	2.90

There was an increase in the proportion of reports coded under Theme 4, Victims, over the decade, as indicated in Table 14. The increase in the attention paid by media reports to the victims of crime had the effect of reinforcing the view by tabloid readers that they are living in a city in which the threat of crime is ever present. It also served to maintain a high degree of awareness that they could be the next victim.

### **Similarities between the Cities**

In both cities, the majority of the reports referring to each of the Crime theme codes decreased, with the exceptions being a large increase in references for public sector misconduct, and a smaller increase for offences against the person. Contemporary records show a general increase in reports of violent assault (ABS, 2012) and the increases being noted in the figures in this research are undoubtedly a part of this trend.

#### **Theme 1 Crime**

In both WA and Victoria, there was an increase in the proportion of references to the codes of Public sector misconduct and Offence against the person. The reports of crimes moved in the same direction in both cities, whether up or down. Both cities recorded an increase in reports of public sector misconduct. In Victoria, there was an almost three-fold increase due to a scandal surrounding high levels of the Victoria Police, and in WA, there had been no specific misconduct but in 2011, the number of references was twice that of 2001.

#### **Theme 2 Community mood**

The reduction in crime reports notwithstanding, there were increases in the proportions of references to some of the codes associated with Community mood in both cities. They were Community concern, Human interest and Police activity.

#### **Theme 3 Interest**

Unlike the other themes, the movements within Theme 3 were not synchronous; In Victoria, there was an increase in the proportion of mentions of Cost; and in WA there were increases in the proportion of mentions of Sexual activity and research cited. The object of this study was to identify elements within media reports which increased in both cities, therefore this theme is not germane.

#### Theme 4 Victims

In both cities there was an increase in the proportion of references to victims.

### **Journalistic Devices**

#### **The ‘frame’**

The search through Factiva and ProQuest disclosed only articles in which the particular words ‘crime’ or ‘punishment’ were written; therefore, articles that were about crime or punishment but did not use either of those words were not examined. This elicited an interesting discovery that was a limitation of my data collection, which I will discuss later. I learned that sub-editors determine the classification of all news items according to a series of keywords (Devereux et al., 2011). This classification can be an indicator of the ‘frame’ in which sub-editors choose to present a particular news item because it is dependent upon matters such as the vocabulary or language that is at their disposal.

#### **The language used**

Although the use of specific words was not examined from a psycholinguistic aspect in this research, I reviewed the headlines because they are the ‘hook’ which the sub-editor uses to draw the reader to the article. Each was allocated to a framework similar to that created by Weight and Cooper (2015) in their study of headlines in sports reporting; although my research used the categories of Restrained, Colourful, or Graphic. A full description of the categories can be found in Appendix 1, p. 218. A small number of headlines were deemed Not applicable because they were In brief or Odd spot pieces.

In each case the language was used deliberately by the journalist to convey shared meaning, to speak to a readership familiar with the terminology or *lingua franca* of the paper.

Table 14: Classification of the language used in the headlines of the sample articles

Language	2001				2011			
	WA		Vic		WA		Vic	
	n	%	n	%	n	%	n	%
Restrained	96	22.28	110	23.87	57	23.17	24	7.67
Colourful	247	57.31	248	53.80	130	52.85	185	59.11
Graphic	86	19.96	74	16.06	57	23.17	84	26.84
Not applicable	2	0.47	29	6.29	2	.082	20	6.39
Total	431		461		246		313	

Table 14 shows that the majority of the sample headlines were in the Colourful category, as expected of a tabloid media. The Victorian tabloids chose language in the Restrained category in a small number of their headlines in 2011, a threefold reduction from 2001, meaning their level of restraint decreased. The headlines from the WA tabloids were consistent across the two years with respect to Restrained language. The headlines using Graphic language increased between 2001 and 2011, with the WA papers increasing marginally, and the Victorian papers increasing by half.

### ‘Demographic’ data

The details of the article were sought to underscore the importance of the specific presentation of articles to the readership in the process of dissemination of information and the creation or reflection of public opinions. This information may also have provided a window into the minds of the editors and sub-editors who had control over the final presentation of news items to their readers. The use of the search services of Factiva and Proquest was limited, because not all of these details were provided.

#### Use of an image

The use of an image is one indication of the importance of the subject of the article in the mind of the editor. It is not possible to discuss this element effectively or compare the use of images because many of the reports from the *West Australian* contained no record of the use of an image. The data collected from those sources for the *Sunday Times* and the *Herald Sun* and the *Sunday Herald Sun* listed the use of an image, chart, map or graph; however, the records obtained through Factiva and Proquest for *The West Australian* and *The Weekend West* were incomplete. That is not to say that there was no image; simply that the records did not report an image. A

physical search of the microfiche of the *West Australian* (held at the Battye Library in Perth) would be necessary to identify the presence of a visual image and allow comparisons to be made, but that would be the subject of further research. The absence of this information prevents a discussion of this important element in my research.

### Word Count

The attribution of newsworthiness may determine the length of an article. Should the sub-editor deem the item to be of interest to readers, it would almost certainly be long enough to supply detailed information that could add to the reader's understanding, thus complying with a function of the news media, namely to inform its public.

Table 15: Comparison between the word count categories of all articles

Word count	2001				2011			
	WA		Vic		WA		Vic	
	n	%	n	%	n	%	n	%
1-250	121	28.1	152	32.9	95	38.6	82	26.2
251-500	245	58.8	196	42.5	118	47.9	157	50.2
501+	65	15.1	113	24.5	33	13.4	74	23.6

In Table 15, it can be seen that the majority of the sample articles from all sources contained 251-500 words.

The similarity between the two cities with respect to the articles with a small word count was expected. All newspapers have spaces between larger articles that need to be filled. They have such mechanisms as regular public feedback sections, In brief and Odd spot segments and short summaries of previous articles, all of which assist editorial staff in filling the gaps in the layout the paper. For matters relating to 'crime' or 'punishment', readers use letters or reader feedback segments to tell their own stories, register their outrage or sympathy or provide support for victims or legislators.

### Location

As mentioned previously, the location of articles within a newspaper and their position on a page both play an important role in the dissemination of the news story. The Factiva and ProQuest searches did not identify a page number for every article. One element of the 'demographic' information for the sample of articles that I wanted



to gather for this research is the page number on which it appeared. This was not possible, due to the constraints of the search process, however, it is not significant for the present research. For further information, a researcher could access the microfiche records held at the Battye Library, Perth.

This chapter has established the findings of an examination of one side of the Triangle of Power, a sample of articles in the daily tabloid newspapers in WA and Victoria gathered through a search for the words 'crime' and 'punishment'. It found that references to specific crimes, to some factors relating to community mood and to victims had increased in both cities over the decade.

The following chapter is an examination of the Hansard recordings of the parliaments of WA and Victoria in two years, 2001 and 2011, using all records gathered through a search for the terms 'crime' and 'punishment'. The chapter identifies two distinct types of record: Debate over new pieces of legislation, and Incidental comments made by members of the Legislature in response to party or constituent concerns. This element of the case study was included to identify a possible increase in punitiveness through an increase in the numbers of pieces of legislation and incidental comments, in another side of the Triangle of Power.

## Chapter 6: Stage 1 - From the Despatch Box

This chapter reports on the proceedings of the parliaments of WA and Victoria in 2001 and 2011, using all relevant records gathered through a search for the terms ‘crime’ and ‘punishment’. Each record that was accessed was either a part of a debate or it was classified as incidental comment. This element of the case study aimed to identify whether there was an increase in the numbers of pieces of legislation and incidental comments, in another side of the Triangle of Power. If the numbers show an increase, it could be due to increased attention being paid to matters of crime and punishment despite the recorded decrease in the crime rate.

The manner in which a Legislature conducts itself in the matter of law and order is an indicator of the quality of its leadership and the maturity of the polity. The focus of this chapter is on the relevant debates for the passage of legislation on ‘crime’ and ‘punishment’ from 2001 and 2011 and the incidental comments made in chambers. My attention will also be on the language of parliamentary exchanges. The expectation, as with the media, was that over 10 years, there would have been attention paid to the growth of feelings of social disquiet or anxiety, and a corresponding increase in legislation or amendments to legislation addressing the disquiet. Any examination of the legislation from two specific years may not be sufficient to identify community mood; nonetheless, a comparison of the legislation in both years was the starting point for this research.

In Australia, there are no qualifications required for people to put themselves forward for election to the parliament, although certain exclusions are prescribed in Part IV, S 44 of the *Commonwealth of Australia Constitution Act, 1901*; however, in general terms, parliamentary representatives in all Australian governments have come from the ranks of the populace. The words of Abraham Lincoln in the Gettysburg address (1863) asserting that democracy is government “of the people, by the people, for the people” are appropriate to the composition of Australian governments; they share the community needs, fears and concerns that their language reveals or betrays, particularly in matters relating to fear of crime.

Representative democracy ensures that electors have the responsibility to elect a representative every three or four years, and as soon as that job has been done, they can do nothing but wait for the decisions of their elected representatives. The elected representatives, on the other hand, must be responsible to the parliament and to all of

their constituents all the time whether they voted for them or not. This is known in Australia as ‘responsible government’ (Phillips et al., 1998). In most cases, the burden of a parliamentary representative in Australia is generally overlaid with another layer of responsibility and that is their allegiance to their party. In a smaller but increasing number of cases, parliamentary representatives are Independents and have the added burden of being responsive to their electors lest they be seen to be inadequate and lose their seat at the next election. The work of a legislator is therefore demanding and exhausting and requires considerable juggling expertise, which is sometimes the reason for their choice of language, occasional, unconnected statements or even bursts of feigned emotion, all of which go onto the Hansard record for perusal by the electorate and posterity.

Question Time, which takes place every sitting day in both houses, is often when members can raise issues or concerns on behalf of their electors. This is a tightly controlled period where members can only speak for three minutes in response to a question. There are Questions on Notice, which are written beforehand and answered on a subsequent sitting day, and there are Questions without Notice, asked at the time and answered immediately (Parliament of Australia, 2016). Question Time is usually very lively and is the part of the parliamentary day most likely to be covered by media reporters. This is the time when Opposition members can ask government members questions about their handling of their portfolios and can be seen to be addressing public concerns.

The usual procedure for Question Time is that each side takes turns to ask a question. The Opposition of the day can certainly find enough material to ask questions of government members, but when it comes time for government MPs to ask questions, they invariably choose to ask a question of their own side. This is known as a ‘Dorothy Dix<sup>13</sup>’ question, which allows them to expound on matters they wish to publicise.

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<sup>13</sup> Dorothy Dix question—a question asked in parliament by a member at a minister’s request to allow the minister to give a prepared reply. Dorothy Dix was the pen name of United States journalist Elizabeth Meriwether [1870–1951], who wrote a column called ‘Dear Dorothy Dix’ replying to correspondents’ problems (Collins Dictionary, 2014, Parliament of Western Australia. n.d.).

## **The Evidence from the Legislature**

The exchanges in the Legislature were classified in two ways: Debate towards the passage of a bill; and Incidental comments, which included all other relevant exchanges. The process of the debate is the same in any jurisdiction that has descended from the Westminster system of government. All proceedings take place in the chamber and they are recorded by the Hansard reporter. The announcement/introduction of the bill is called the First Reading, and then the Second Reading takes place wherein the intention of the bill is made clear and debate takes place across the chamber. This stage is the most important for MPs because they can establish the rationale for the proposed legislation through their contributions. It is also important for members of the public because they can readily discern the energy and commitment of their elected member to the issue at hand. During the general debate, the chamber can break into committees to consider the bill in detail, sometimes line by line and clause by clause. Specific aspects of the bill can be referred to a relevant Standing or Select Committee designed to oversee that element in all bills. Some bills can be referred to several committees; for example, a bill about youth crime and associated fines might be referred to a fiscal committee, a justice committee and a committee for young people. At the conclusion of the committee stage, and when all the amendments and deletions have been made, there is the Third Reading in the chamber, when a formal vote is held. The finished document is then passed to the other chamber for an identical process.

Debates in both houses take place over weeks or sometimes months. For the purpose of this research, every time the debate restarted it was counted; for example if the debate on the *Criminal Law Amendment Act* took place on a Tuesday, then the following day and later on two days of the following week, this would be recorded as four (occasions) rather than one (debate). The reason for this multiple counting relates to the performance of the Legislature in its role within the Triangle of Power. Later in this chapter, I have noted that in each year, the respective parliaments passed a small number of relevant bills, yet there are many occasions when additional references were made to them, questions were asked about them and further exchanges were engaged in across the chamber. Among the many reasons for this practice is the need to keep a matter in the forefront of the mind of the community to remind them of the ubiquity of a particular matter and to reassure them that they, their elected representatives, are addressing it.

## WA

### ***Legislation 2001/2011***

In WA in 2001, 43 bills were debated that included the search terms, but only five of these directly related to the search terms of ‘crime’ and ‘punishment’. In some cases in 2001, the reference to crime or punishment was contextual, as in the case of the *Corporations (Ancillary Provisions) Bill 2001*, wherein the word ‘punishment’ was mentioned in connection with the outcome for a person found guilty of contravening this proposed act. Some new legislation was related to civil wrongs, such as the *Corporations (Consequential Amendments) Act 2001* where the mention of either of the search terms was related to the damages that the presiding judge had at their disposal. There were three new laws for 2001 directly concerned with crime and punishment.

The new pieces of law that related to the search terms were amendments to existing laws: the *Criminal Law Amendment Act 2001*, the *Criminal Code Amendment Bill 2001* and the *Acts Amendment (Criminal Investigation) Bill 2001*.

In 2011, there were 61 bills debated, 12 of which were relevant to the aims of this research. Again, there were pieces of legislation that had a fleeting connection to either word through the mention of statutory bodies such as the Corruption and Crime Commission in the *Telecommunications (Interception) Western Australia Amendment Act 2011* and the *Commonwealth Heads of Government Meeting (Special Powers) Bill 2011*; or mentions of what would happen if people contravened an act, for example the *Juries Legislation Amendment Act 2011*. Some amendments were made as a direct result of community concerns, such as the *Criminal Code Amendment (Infringement Notices) Act 2011*, which changed the regulations for the issuing of infringements of the Criminal Code; and the *Criminal Investigation Amendment Act 2011*, which broadened the categories of health professionals who were allowed to be investigated under the act.

The *Criminal Investigation Amendment Act 2011* arising from a recommendation from the (Parliamentary) Community Development and Justice Standing Committee was supported by both sides of the parliament. It was enacted specifically to widen the number of professions qualified to physically examine sexual

assault victims and collect forensic evidence. This act is an example of the interconnection between the public and the Legislature. It was noted that victims in country areas were particularly disadvantaged due to the lack of authorised medical examination staff, and would be helped by broadening the range of qualified persons to include nurses trained by the Sexual Assault Referral Centre. This Act received Royal Assent on May 2nd, 2011, but was first tabled in the Legislative Assembly on November 18th, 2010 and was introduced in a climate of increasing concern throughout the entire Australian community about all matters relating to sexual assaults, including the number of successful prosecutions. Deputy Leader of the Opposition, the Hon. Kate Doust (MLC, South Metropolitan, ALP) spoke in support of the bill, saying:

We hear, sadly, that over the last period of time there has been an increase in these types of assaults. It is really important that somebody in that situation have access to a person who has the capacity and skill to take the necessary evidence that is required to have that person's case taken through the correct legal processes and to get justice. (Parliament of Western Australia, 2011, pp. 916b–924a, Legislative Council, Record of Proceedings, February 23rd).

Over the preceding months in WA, media articles drew attention to a range of sexual behaviours, such as “Churches oppose legal brothels” (*The West Australian*, February 12th, 2011); “In hot water: Nude shower film fine” (*The West Australian*, February 12th, 2011); “New clue to abduction suspect” (*The West Australian*, February 11th, 2011); and “Register of few dozen paedophiles to cost \$5m” (*The West Australian*, January 19th, 2011). The introduction of the *Criminal Investigation Amendment Act 2011* by the government, the support from the Opposition and the selective reporting of the figures would have been recognised in the community as a response to their concerns, but they carried the additional consequences of keeping the issue at the forefront of the community mind and reinforcing their anxieties. The level of importance associated with the legislation is demonstrated by its passage through both houses within six months, a summer recess from November 25th, 2010 until February 15th, 2011 notwithstanding.

An issue of note that may be either an unintended consequence of the increased attention to law and order issues or a response to the public's ‘right to know’—but is almost certainly due to the absence of legislated human rights in WA—is the amendment to the *Young Offenders Act WA 1994: the Young Offenders Legislation Amendment (Research Information) Act 2011*. This act provides for the matching of

Children’s Court data to other records “even if the disclosure is in a manner which identifies or is likely to lead to the identification of the child” [S 36 AA (3) (a)] and specifically states that information disclosed in good faith shall not attract a civil or criminal penalty, or should not be regarded as a breach of confidentiality or professional ethics. It is a sobering indication of the lack of concern for the protection of the human rights of young people in WA who have had the misfortune to be involved in the criminal justice system.

In 2001, relevant bills represented 11.62% of the legislative load; in 2011, relevant bills represented 19.62% of the legislative load for that year, an increase of 68.84% (Table 21).

### ***Incidental comments 2001/2011***

In every month of both data collection periods, the numbers of incidental comments far exceeded the number of bills or amendments to bills to be debated (Table 16). In 2001, although there were only five new pieces of relevant legislation, there were 60 instances of Incidental comments. Some of them were government members taking the opportunity to speak about a piece of legislation enacted in response to particular community pressure; some were members of the Opposition asking questions, usually of the minister, on behalf of constituents; some were members of the Opposition asking questions in an attempt to embarrass the minister over neglected promises or failing policies. In 2011, 12 pieces of relevant legislation and 154 Incidental comments were handed down, reflecting the level of attention paid to these matters by members of the Legislature.

Table 16: WA Debate and Incidental comments each year by month

Total new legislation– 'crime' 'punishment' WA	<b>2001</b>	<b>2011</b>
	5/43	12/61
January Debate	0	0
January Incidental comments	0	0
February Debate	0	9
February Incidental comments	0	14
March Debate	0	9
March Incidental comments	0	6
April Debate	0	8
April Incidental comments	0	7

May Debate	1	11
May Incidental comments	17	21
June Debate	5	7
June Incidental comments	6	20
July Debate	1	0
July Incidental comments	0	0
August Debate	5	13
August Incidental comments	13	18
September Debate	7	12
September Incidental comments	7	21
October Debate	1	3
October Incidental comments	4	14
November Debate	19	13
November Incidental comments	10	27
December Debate	13	2
December Incidental comments	3	6
Total Debate	52	87
Total Incidental comments	60	154

Under normal circumstances, after a bill has passed both Houses and goes to the Governor for Royal Assent, further mention of it is rarely made. However, sometimes it is a matter at the forefront of the public mind and it suits the legislative program of a government to speak of it again.

The intensity of the community concern can be demonstrated through the enactment in 2010 of the *Prohibitive Behaviour Orders Act 2010* (WA) ('the PBO') (see footnote 3). A Dorothy Dix question with respect to this act was asked of the Attorney General, the Hon. Christian Porter (MLA, Murdoch, Liberal) in February 2011. This allowed the Attorney General to re-state, for the record, all of the elements of one of the public's fears of crime and their exasperation with the offenders (Parliament of Western Australia, 2011, pp. 975c–976a, Legislative Assembly, Record of Proceedings, February 23rd), serving the dual purpose of reinforcing the public notion of disquiet and reminding the public that his party were responding to their needs.

The PBO was again discussed in August 2011 when the Hon. Giz Watson, (MLC, North Metropolitan, Greens) moved a motion to have 20 offences removed from the PBO regulations, because their inclusion was inconsistent with the stated intention of



the legislation. The Hon. Giz Watson was supported by the Hon. Alison Xamon, (MLC, East Metropolitan, Greens) who said: “I do not believe that it is ever appropriate to publicly advertise the offences that have been committed by a juvenile and thereby ensure that the juvenile can never distance themselves from inappropriate behaviours that they may have engaged in.”(Parliament of Western Australia, 2011, pp. 5794f-5801a, Legislative Assembly, Record of Proceedings, August 16). The 20 offences were not serious offences in their own right and both MPs argued that their inclusion on the schedule was outside the spirit of the legislation. The Hon. Michael Mischin, (MLC, North Metropolitan, Liberal) argued that the act had been drafted after consultation with the WA Police and the community, who wished for the regulations to be strict; and further, that an offender could argue in court that their behaviour did not cause “harassment, alarm, distress, fear or intimidation within the meaning of the *Prohibited Behaviour Orders Act*” (Parliament of Western Australia, 2011, pp. 4480c–4481a, Legislative Assembly, Record of Proceedings, June 21). The legislation had been passed in 2010, by all government and Opposition members in a direct reaction to community concerns, despite the implied abrogation of their responsibilities to protect the human rights of all of their citizens, particularly young people. The two Greens members were able to have Hansard reflect their objections to the act, despite their knowledge that it would not change. This is an example of the need of members of the Legislature to remind the community that they are reacting to community concerns, by ensuring their words are on the public record.

The intensity of the responses of the Legislature to community disquiet can be seen through instances of their attention in the months before and after their winter recess in July (Table 22). In 2001, there were 9 pieces of relevant legislation passed in both houses. In May 2001, there was one instance of Debate on legislation and 17 separate Incidental comments; in 2011, there were 11 instances of Debate on legislation and 21 separate Incidental comments. In June 2001, there were 5 instances of Debate and 6 Incidental comments. Ten years later, there were 7 instances of Debate and 20 Incidental comments. In 2011, the relevant Incidental comments were greater in August, September, October and November than the corresponding months a decade before. It is clear that in 2011, the Legislature was paying more attention to the community disquiet.

## Victoria

### *Legislation 2001/2011*

In Victoria, during the period of the research, there were 99 bills debated, of which 9 directly related to ‘crime’ or ‘punishment’; as was the case in the WA parliament, there were amendments to existing laws as well as repeals of three existing laws. There was one new or amended piece of legislation with ‘crime’ or ‘punishment’ in its title, the *Crimes (Validation of Orders) Act 2001*, and there were eight others related to crime and punishment directly.

In the Legislative Assembly on May 2nd, 2001, the *Corrections (Custody) Bill* was the subject of a long Second Reading speech from the Police Minister, the Hon. Andre Haermeyer (MLA, Kororoit, ALP). This was a new bill dealing with the management of a very large number of convicted offenders. On April 28th, 2001, there had been an article in the *Age* newspaper (p. 10)<sup>14</sup> with the headline “Soaring crime prompts jail plan”, explaining that Victoria needed two new prisons (Wroe, 2001). The word ‘soaring’ is a colourful term for a large increase in numbers and implies an enormous, unexpected, uncontrolled and continuing increase in the numbers of prisoners. An expression such as this can create or maintain an impression in the mind of the reader, of which they may not even be conscious. The media advisors to parliamentary members are aware of the effect of certain language and their role is to monitor the media and identify opportunities for MPs, one of whom is the Police Minister, to advance their cases. The Police Minister had been quoted many times in the article, so it is reasonable to assume that contact between the Legislature and the media took place to enable the journalist to write the article to prepare the way for the beginning of a debate on prisoner transport; this is a demonstration of the necessity of the lines of communication between two of the sides of the Triangle of Power.

In 2011, the Victorian Legislature passed a total of 83 new pieces of legislation, with 12 directly related to ‘crime’ or ‘punishment’. Over the decade, the legislation pertaining to crime and punishment doubled as a proportion of the total legislative program. Some of the bills and amendments of 2011 can be linked to issues in the daily media; for example the increase in crime statistics was given as a reason for the *Police Regulation Amendment (Protective Services Officers Bill)*, which was debated several

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<sup>14</sup> Articles from the *Age* have been excluded from the research; however, the existence of this article is instructive in the way that two sides of the Triangle of Power combine to have an influence on the attitudes of the other side.

times during February 2011 in the Legislature. At the same time, the *Herald Sun* published a 277-word article, “Crime stats don’t add up”, on page 13. In this way the media was immediately bringing to the community a discussion stimulated by the legislative debate. On the other hand, the media may lead the thinking on a topic and the Legislature will follow up with an amendment to an existing act to address the latest community concern; for example in January 2011, the *Herald Sun* published a long article (362 words) about road safety, an area of community concern (“Lay off the traffic beat Police reshuffle at the top sees the public face of road safety moved”) on page 9, and there followed an amendment to the *Road Safety Act* in May 2011. It is by no means clear that one or each of these examples has a causal link or that one was precipitated by the other; however, their presence in the same period is enough to demonstrate the close connection between the sides of the Triangle of Power.

Debate on ‘crime’ and ‘punishment’ represented 9.09% and 14.45% of the legislative load for each year, an increase in 2011 of 58.96% (refer to Table 21).

### ***Incidental comments 2001/2011***

The incidental comments, remarks and questions in the Victorian parliament were equivalent to those in WA in that they exceeded the number of bills or amendments to acts and were made outside the debate associated with the passage of a bill. In 2001, in the Victorian parliament, there were only nine relevant Acts passed into law, but there were 64 occasions when Incidental comments or remarks included the words ‘crime’ or ‘punishment’. In 2011, the number of pieces of legislation passed by the Victorian parliament doubled, but the Incidental comments and remarks increased by more than one and a half times, to 154. These figures represent a marked increase in the attention of the Legislature to matters of crime and punishment compared with one decade previously.

A number of the instances of Incidental comments were only brief mentions, but the majority arose through answers during Question Time, the period in the parliamentary day attended by most reporters and most visitors, and therefore the best time for members to remind their constituents that they are speaking on their behalf. In this case, with new laws being enacted, the presence of a large number of Incidental comments relating to crime and punishment reinforced to the community that their parliamentary representatives were listening to their concerns.

Incidental comments occur for a range of reasons as previously discussed and are outside the debate on a piece of legislation. In some cases they are questions to clarify or to score points from political opponents; or they could be the speech accompanying the tabling of a petition; or a remark by a member about a public event at which they are scheduled to speak or cut a ribbon or present a prize.

There had been an election in Victoria in late 2010, and in the early part of 2011 MPs were making their maiden speeches and giving their addresses-in-reply to the opening speech from the incoming premier, the Hon. Ted Baillieu. Some MPs were still using the record of the former government to advance their own policy agendas and to highlight the ‘dereliction’ of the previous incumbents. Crime and punishment are always mentioned in these circumstances; indeed Mr Burgess (MLA, Hastings, Liberal) spoke of the poor response of the previous government to “escalating crime” (Victoria Parliament, Record of Proceedings, March 2nd, 2011, p. 449). This was undoubtedly a speech made for the benefit of his constituents because the figures showed a reduction of 2.4% in crime rates (Victoria Police, 2012). The new Attorney General, the Hon. Robert Clark (MLA, Box Hill, Liberal) announced a number of administrative changes and foreshadowed some legislative changes to make good his party’s pledge of “getting tough on crime”.

In 2001, 64 relevant Incidental comments and 153 in 2011 represented an increase over the period of 139.06%. This represents slightly less than a 1.5-fold increase in the number of incidental references to ‘crime’ and ‘punishment’ (Refer to Table 21).

Table 17: Victoria Debate and Incidental comments each year by month

Total new legislation— ‘crime’ ‘punishment’	<b>Vic 2001</b> 9/99	<b>Vic 2011</b> 12/83
January Debate	0	0
January Incidental comments	0	0
February Debate	2	3
February Incidental comments	2	6
March Debate	1	17
March Incidental comments	4	7
April Debate	4	7
April Incidental comments	5	4
May Debate	19	25

May Incidental comments	13	26
June Debate	18	20
June Incidental comments	12	30
July Debate	0	0
July Incidental comments	0	0
August Debate	2	15
August Incidental comments	0	14
September Debate	6	12
September Incidental comments	5	13
October Debate	8	19
October Incidental comments	10	7
November Debate	16	32
November Incidental comments	13	22
December Debate	0	5
December Incidental comments	0	24
Total Debate	76	156
Total Incidental comments	64	153

The Legislature's responses to community concern can be seen through instances of increased parliamentary attention during their proceedings from the months before and after their winter recess in July (Table 17). In both years there was a spike in debate and comment in May and June, however, links with media commentary cannot be drawn; a scan of the media items in the weeks before revealed articles that bore no relation to the matters on the agenda in the parliament, in either year. The most likely reason for such large numbers was the desire to start 'clearing the decks' before the winter recess in July. In the months after their return the MPs debated and discussed matters relevant to crime and punishment more frequently in 2011 than they had in 2001, right up until late into December (Table 23).

## Comparison between the two legislatures

Table 18: Comparison of Debate and Incidental comments in WA and Victoria, 2001 and 2011

2001					2011			
	WA		Vic		WA		Vic	
	n	%	n	%	n	%	n	%
Debate	5/43	11.62	9/99	9.09	12/61	19.62	12/83	14.45
Incidental comment	60		64		154		153	

The Parliaments of both states increased the amount of attention they paid to matters of crime and punishment. Table 18 shows that both parliaments increased the time they spent on debates in 2011 by more than half than the time they spent in 2001. The attention paid to matters of crime and punishment in incidental comments more than doubled for both parliaments.

## The Language of the Legislature

A speaker's thought processes can be revealed through examining the language they choose. The theory of linguistic determinism explains that the language used is a reflection of the user's 'angles on reality' (Thomas et al., 2004). MPs need to use their speeches to ensure that they remain in favour and will be re-elected at the next election. When speaking of matters close to the public heart, they speak directly to their electors and, in the case of members of political parties, to the decision makers in the party who are responsible for pre-selections before the next election. They choose language to reflect shared meanings in the community, and during some debates, Question Times or on occasions of incidental commentary, they often forego the formal language and the linguistic mechanisms of metaphors, personifications and rhetoric as was practised in years gone by (Thomas et al., 2004), but employ the popular vernacular to appeal to their constituents.

Parliamentary language is governed by a series of conventions adapted from the Parliament of Westminster and included in the Standing Orders (Parliament of Australia, 2015) under the discretion of the Speaker or the President of the House. Although they are not permitted to use profanities or impugn the honesty of another

member, they are certainly able to use the richness of the English language to serve their purposes to convey their true intention.

The effect of language differences can be seen in the example of the formal and informal versions of words. Some acts that were clearly related to crimes or punishment did not include either word within them. It is likely that the reason for this is semantic—the language of the law of a sovereign state is formal; therefore the words used in the official manuscript of a piece of legislation to describe ‘crime’, ‘criminals’ and ‘punishment’ are ‘offences’, ‘offenders’ and ‘penalty’; the language of the debate on the floor of the house is more relaxed and even colloquial. This would be due to the less restrained nature of a live debate wherein members, knowing their contributions are recorded, are keen to use the language of their constituents so that they can be seen to be representing their needs. This accounts for laws clearly related to crimes, but use different terminology, such as the *Dangerous Sexual Offenders Amendment Act 2011* (WA) and the *Young Offenders Legislation Amendment (Research Information) Act 2011* (WA).

Using the proceedings of the parliaments of WA and Victoria in 2001 and 2011, this chapter reported on the increased attention paid by the Legislature to community concerns in the matter of ‘crime’ and ‘punishment’.

The chapter examined the language and frequency of the debates over new pieces of legislation and incidental comments gathered from the parliaments of WA and Victoria from 2001 and 2011, to identify changes in attention paid to community fears and disquiet. It reported that in both parliaments, the number of relevant bills passed into law increased and a remarkable increase, of close to 150%, in the incidental comments and remarks.

The following chapter presents the findings of the analyses from the media and the Legislatures - a sample of social factors that have influenced Western Australians and Australians in the modern world and contributed to the community disquiet. Each on its own may not produce a reaction, but when added together, they represent a significant and powerful Strain on our community. Our slide is hastened into a state of Anomie.

## **Chapter 7: Stage 1 - What a Difference a Decade Makes**

This chapter brings together findings from the study of the media and the Legislatures from 2001 and 2011 from WA and Victoria, in relation to indicators of punitiveness evident in the four themes identified in the media study (Chapter 5). The findings were measured against predictors of punitiveness.

The primary objective of this research was to confirm or refute my hypothesis that the community in WA is becoming more punitive, causing the community to react in one of the five distinct ways defined by Merton's Strain theory, which would lead to the conclusion that we have fallen into a state of Anomie. It is necessary to view the findings from the analysis of the Stage 1 data through the prism of this theory.

The two reactions most associated with punitiveness are Ritualism, where people doggedly hold to crumbling norms even more rigidly and react more severely when others misbehave, nostalgically clinging to the ways of old and seeking to punish those whose own reactions turn them into Rebels or Innovators; and Retreatism where individuals retreat into a safe world whose rules they create themselves. In many cases Retreatists use drugs or alcohol as a buffer against the harshness of the outside world, but in other cases, they recreate a world of the past or in their imaginations and cling to the rules of these realities. In the modern era, with the ubiquity of the Internet, these people find other like-minded souls online and seemingly ignore all but the basic rules of the modern society. The attitudes of the Ritualists and some Retreatists are reflected in the media and often are translated into legislative responses—the Triangle of Power.

The case study of the media and the Legislature was made to identify whether the elements of the Triangle of Power in WA demonstrated a slide into a state of Anomie. It was replicated in Victoria, a similar community, for the express purpose of corroborating the WA results. Therefore, the intention of this research was not to compare the cities of WA and Victoria with each other, but to use random samples of the records of the Victoria media and Legislature as a form of control for the random samples of the records of the media and Legislature of WA.



To recapitulate, the research questions were:

RQ1: Is the WA community more punitive over the period of one decade?

RQ2: Is the Victoria community more punitive over the period of one decade?

RQ3: Does the community mood conform to Merton's categories of Strain, thereby leading to a conclusion that in the early twenty first century we are in a state of Anomie?

The subsidiary questions for the Stage 1 study were:

a): Is there a difference in the language of the randomly generated sample of media reports and the legislative proceedings between 2001 and 2011?

b): Are community attitudes to crime and punishment in 2001 in WA different to those in 2011?

c): Does a similar trend in community attitudes exist in one other Australian city, Victoria?

## **The Results**

This thesis contends that the attacks of 9/11 intensified the general unease of the communities, increasing their preparedness to hear and repeat bad news and frightening events, and eroding the foundations of their forbearance.

A set of 14 codes and sub-codes was created based on the content of the articles published in WA and Victoria. There were four themes into which the codes fitted.

### **Theme 1: 'Crime' in the media and in the Legislature**

Across the decade, there was a small increase in the mentions in the random sample of articles within the theme of Crime in WA and in Victoria. This revealed a community at odds with the reduction in most recorded crime types for the period, with the exception of "violent crime" classified by the ABS as homicide and assault (2012). These are the crimes on which the media focusses, and that produce a community fear that renders them unlikely to distinguish between different types of crime.

There were increases in the proportion of references to two categories in both the media and the Legislature in both states. These were Public sector misconduct and Offence against the person.

The reports of crimes and the references in parliament moved in the same direction in both cities, whether up or down. Both cities recorded an increase in attention to public sector misconduct. In Victoria, misconduct in the upper ranks of the Victoria Police had exercised both the media and the legislature; in WA there was no specific misconduct, but both the legislature and the media turned their attention to this subject.

### ***Public sector misconduct***

The creation of the code for Public sector misconduct was a direct result of the apparent trend for openly writing about improprieties by public figures. Certainly corruption and misconduct in the public sector had always existed in both cities and had been written about in the media, but the lack of euphemisms and veiled language is a relatively new experience. This was a significant development because it meant that the discussion surrounding certain actions of public figures had begun to link some behaviours with criminal activity. The communities in WA and Victoria, along with most communities in the Western world, were becoming accustomed to the public questioning of authority figures. In previous eras, the decisions of those in authority were generally accepted by the community, and dissent was mentioned in a veiled manner; however, blunt references in the media to public sector misconduct increased

In Victoria, in 2011, an upheaval occurred in the higher ranks of the Victoria Police with accusations of corruption, misconduct and improper behaviour, eventually leading to the resignation of the Chief Commissioner of the Victoria Police, Simon Overland (Levy, 2011). Historically, the investigation into public sector misconduct has been the bailiwick of a Royal Commission, and the public reporting of the investigation and dismissal of the Chief Commissioner of Police was such an unusual occurrence in Australian public life that it was reported in great detail and was the subject of many questions, and much debate in the Legislature.

In WA, there was no specific event involving public sector misconduct, but there was an increase in the criticism of public figures, ranging from the premier of the state to the members of the WA parliament, judges and magistrates and their sentencing decisions, and to high ranking members of the public service. The proportion of references increased by half again (19 in 2001 – 29 in 2011). Within one decade, allegations of corrupt behaviours of some public officials in both states were more frequent; it had become more acceptable for the community to question authority. The issue of public sector misconduct directly affects the trust of the community, because

members of government and statutory authorities are their publicly funded representatives who manage public finances and decide public policies, and their behaviour is expected to be beyond reproach. In the early twenty-first century the voice of disquiet was no longer confined to people 'in the know' or to the community guardians, such as Opposition MPs in the Legislature or interest groups, but had been taken up by the broader community. When members of the public become concerned, they use many channels, such as 'talk-back' radio, online media sites or online community forums. Members of the Legislature all over Australia are aware of the importance of being seen to be responsive to public concerns and they keep themselves informed by accessing daily reports from media monitoring services.

In one decade the media reports and the legislative proceedings revealed that both communities were beginning to distrust their authority figures and question their decisions. This is one of the predictors of punitiveness.

### ***Offence against the person***

References to offences against the person increased by 7.67% in WA and 26.01% in Victoria (Table 24). This is in keeping with the recorded increase in the number of violent assaults (ABS, 2012). In one decade the increase in the media reports and legislative proceedings has shown that both communities were unaware of, or disregarded, the decreasing figures of recorded crime, and instead focussed on the more newsworthy aspect of crime that increased. This kept crime in the forefront of their collective minds, exacerbating their worry about it. This is one of the predictors of punitiveness.

## **Theme 2: 'Community mood' in the media and in the Legislature**

This theme relates to community attitude and includes the emotional aspects of crime and punishment .

The reduction in crime reports notwithstanding, there were increases in the proportions of references in the media and was the subject of many questions, and much debate in the Legislature to the codes of Community concern, Human interest and Police

### ***Community concern and Human interest***

The media and the Legislature both gave more attention in 2011 than in 2001 to matters of community concern and human interest, reinforcing the general community disquiet over crime rates, despite the decrease in crime statistics over the period (ABS, 2012). This was compounded when the media reported debates and Incidental comments in the Legislature in response to earlier media reports. There were fewer crimes to report, but attention focussed on those elements of criminal activity that unsettled people and kept their disquiet in the forefront of their minds.

As an indicator of the mood of the times, legislation is either a response to public sentiment or a driver of it, and words like ‘corruption’ and ‘terrorism’ are signifiers (Fiske, 2001) of the broader community disposition, and are used interchangeably with the word ‘crime’ in the mind of the general public. All of the words in a similar category or class prompt a similar level of anxiety. An increase in the attention that the Legislature paid to community mood can be found in amendments to existing legislation that were introduced as an indirect response to community concerns; for example the *Community Protection (Offender Reporting) Amendment Bill 2011* (WA) was introduced into the WA parliament in November 2011 by the then Minister for Police, the Hon. Rob. Johnson (MLA, Hillarys, Liberal). In his response, to a ‘Dorothy Dix’ question about this Bill, classified in this research as Incidental comments, he mentioned three cases of child sex abuse offences and non-compliance with Child Protection Prohibition Orders. He used strong language (“These despicable beings—I will not call them human beings, because they are not—want to access child pornography and keep it hidden so that they are not caught”) in support of a Bill that would give greater powers to the police; another reaction to public anxiety.

In Victoria, the *Herald Sun* (“These drug lords don't deserve to breathe the same air as us”) quoted the strong language of Mr Bernie Finn (MLC, Western Metropolitan, Liberal) calling for the return of the death penalty for drug lords (“Call to bring back death penalty. Liberal MP wants executions for drug lords”, McMahon, 2011). Similar issues were raised by the Minister for Employment and Industrial Relations, the Hon. Richard Dalla-Riva (MLC, Eastern Metropolitan, Liberal) in the Second Reading speech for the *Sentencing Further Amendment Bill 2010* (Vic). He linked television news casts with the abolition of suspended sentences for a range of serious crimes—namely recklessly causing serious injury; commercial drug trafficking; aggravated burglary; and arson—when he referred to “many of the horrific assaults

captured on closed-circuit security cameras that Victorians have witnessed on their television screens in recent years”.

The link between legislation and incidental comments and community concerns can be demonstrated unequivocally when a serious event has occurred in the community and the Legislature immediately puts in train the procedures for the tabling and passage of a bill. This is shown in an example from 2008 of the so-called ‘one punch’ or ‘coward’s punch’ law (the *Criminal Law Amendment (Homicide) 2008* [WA]) introduced into the WA parliament as a direct result of the public agitation over the death of a young man from a single punch to the back of the head; it was the first law of its kind in Australia. However, other jurisdictions have now enacted similar legislation; all have been introduced as a direct result of community concern. It is important to note that every jurisdiction already had a law against homicide but in direct response to public pressure, each amended their criminal codes to single out this particular type of homicide.

Across the 10-year period there were statutes whose content added to or strengthened elements of the system of law and order. All of the new Acts passed in 2011 in the WA Legislature can be seen as incremental reactions to increasing unease in WA: the *Police Amendment Act 2011* (WA), which did not make changes to police powers, but instead made amendments to provide regulations for police to charge for security and policing services at major events; the *Juries Legislation Amendment Act 2011* (WA), which updated the law about jury composition and behaviour; the *Restraining Orders Amendment Act 2011* (WA), which addressed matters relating to the *Criminal Investigations Act 2006* (WA); the *Misuse of Drugs Amendment Bill 2011* (WA), which refers to the supply of drugs to under-aged people and specifically cites the *Working with Children (Criminal Record 5 Checking) Act 2004* (WA); and the *Manslaughter Legislation Amendment Bill 2011* (WA), which made changes to the WA Criminal Code with respect to traffic accidents that involved the death of a person or persons.

Over one decade, the increase in media reports (shown in the random sample) and legislative proceedings have shown that both communities were focussed on crime reports that raised their community concerns and roused their human interest, intensifying their worry about crime. This is one of the several predictors of punitiveness.

### ***Police activity***

There was an increase in mentions of police activities over the 10 years in both WA and Victoria. In WA, every article reporting a crime, whatever the word count, referred to the police. Even in very short articles, a whole sentence was spent on the mention of the police, as if their presence were more significant than the crime. In the following example, which is the entire article, the incident that is the subject of the article was inexplicably reported by the *West Australian* on February 10<sup>th</sup>, two months after it happened:

POLICE are seeking the driver of a Ford Falcon bearing a stolen licence plate.

The police traffic camera section said the rear number plate of a Toyota Crown was stolen on December 20. The car, registration 6IC 926, was in a public carpark.

At 3.47pm on the same day, the plate was photographed on the Falcon in Nollamara Avenue, Nollamara.

Anyone with information on either vehicle should call Crime Stoppers on 1800 333. (Irving, 2001).

The mention of the police reiterates their important role in the community, and carries with it an implied reminder of the constant menace of crime.

There had been a surge in reporting of the code of Fear and anxiety in the random sample of articles in the Victoria *Herald Sun* in 2001, from 24 mentions in January to 42 mentions in February and 33 in March. When MPs introduced a wide range of specific matters into a debate immediately after this two-month period of anxiety-raising reporting, the media response in the random sample declined to 10 and 18 mentions of those words and phrases that would trigger the Fear and anxiety code. One possible explanation for this is that the Victorian government was being seen to be more reactive to perceptions of fear in the community and was showing that it was addressing known anxieties. The accuracy of this explanation is borne out by the subsequent decrease in references for this particular code over later months. In WA in the same year (2001), issues that created fear and anxiety were very high in August, September, October and December with instances of 34, 45, 44 and 62 respectively. These numbers were much lower in the same period a decade later so could not be included in this analysis; nonetheless, this example illustrates the nexus between the media and the Legislature.

An article from page 23 of the *West Australian* of October 29th, 2011 reported that “the number of criminal charges in the WA Children’s Court fell almost 18 per cent last financial year despite wide concern about antisocial behaviour and offending by young people”—certainly a reason to be pleased. However, the article reported that both the WA Police Commissioner, Karl O’Callaghan, and the then WA Attorney General, the Hon. Christian Porter (MLA, Bateman, Liberal) said that the increase in the rate of referrals to juvenile justice teams had reduced court appearances. Through this expedient, the article, validated by the authority of the police and the parliament, almost ignores the reduced number of criminal charges by stating that the referrals to the juvenile justice teams were simply diverting young offenders away from the courts and the statistics. Articles such as this could have the effect of reinforcing the public perception of a hidden increase in youth crime. By keeping crime rates in the forefront of the public mind, the media contributes to community insecurity, which is a contributor to Anomie.

In February 2011, 12 minutes in the proceedings of the Legislative Assembly in WA were devoted to a speech from the Deputy Speaker, Mr Michael Sutherland (MLA, Mount Lawley, Liberal) in which he spoke about the initiatives from the Graffiti Taskforce, a body on which sit representatives from 18 public entities, and that is managed by the Office of Crime Prevention, a division of the WA Police (Office of Crime Prevention, n.d.). Mr Sutherland explained that the latest attempt to reduce graffiti, called *Operation Cleanskin*, had met with success and he thanked the *West Australian* newspaper for publishing on the front page, the photographs and names of the 19 individual offenders who had been caught and charged. Further, he admonished the Judiciary, saying “The disappointment is that the courts continue to give graffiti vandals a slap on the wrist”, and again he quoted from the *West Australian* report that police officers “would like to see stiffer penalties imposed”. He then linked graffiti tagging to other more serious crimes, citing anonymous studies, and aligning himself with a fearful public, saying:

The public is sick and tired of this low-level antisocial behaviour, which gives an impression that the crime rate is higher than it is and causes a sense of insecurity in the community. Studies have also shown that tagging often leads to vandals carrying out more serious offences. They slink around in the middle of the night or early hours of the morning when nobody is out. Tagging can lead to burglary and other antisocial activities. (Parliament of Western Australia, 2011, pp. 443b–487a, Legislative Assembly Record of Proceedings, February 16th).

Mr Sutherland's speech was interspersed with references to the public's fear of crime, and the disquiet over a burgeoning rate of youth crime, even likening the parents of youth offenders to the owners of savage dogs. The subject of his speech was the relatively low-level offence of graffiti, yet he imbued it with a level of gravity equal to more serious crime. It was an effective attempt by Mr Sutherland to link public fears with a demonstration that the Legislature was responsive to their concerns. A speech such as this also confers a level of legitimacy on the newspaper reports on the Legislature addressing the concerns of the readership; WA has one newspaper stable containing *The West Australian* and *The Saturday West*, and favourable mentions in parliament are seen as a validation of the newspaper; by extension, they could be seen to be an endorsement of all of its reports.

It appears that the community's fear was so great that it lost sight of the obligations of a civil society. The passage of two bills to deal with youth offenders, being amendments to the *Young Offenders Act WA 1994* (WA), and the *Young Offenders Legislation Amendment (Research Information) Act 2011* (WA), provided legal sanctions of breaches of the human rights of the young offenders. So great was the concern over youth crime within the WA community that these pieces of legislation were supported by the three elements of the Triangle of Power, completely overlooking the infringements to rights that in previous eras would probably have been unacceptable. Mention has already been made of the *Prohibitive Behaviour Orders Act 2010* (WA), another piece of legislation that not only encroaches upon human rights but approves the publication on a website of the photograph and details of the offender, an action that guarantees that the young offender will be marked for life. This is another example of the Legislature acting upon the community's fears; thus legitimising them.

### **Theme 3: 'Interest' in the media and the Legislature**

In one decade, the increases in the sample media reports and the legislative proceedings with reference to Cost in Victoria, and Sexual activity and Research cited in WA have highlighted the differences between the cities as shown in Table 26. The aim of this research was to identify codes identified in the media and the Legislature whose occurrences increased in both cities over the decade; the shifts in the codes for this theme were not consistent with each other, therefore these findings, although interesting, are not salient to the research.



### ***Cost***

In the random sample of articles, an increase of 9.20% in the mention of the costs associated with crime over the 10-year period in the Victoria papers was not mirrored in the WA papers. Cost is often mentioned in the report of a crime, and I had always thought it was simply an extra piece of information within the report. There is no obvious explanation for the increase in mentions in one newspaper and not the other. However, the increased number of mentions of cost in the Victoria papers could be for a variety of reasons beyond the scope of this research. Perhaps there was a budget deficit in 2011; a campaign by the newspaper to highlight costs of crime to the community; or a new editor for the *Herald Sun* with a different focus. Nevertheless, there is no direct connection to an increase in punitiveness, so it is not germane to this research.

### ***Sexual activity***

Human sexual activity has always been a personal matter and reports of unusual sexual behaviours have generally been cloaked in euphemism. In the modern era, we are less modest in our public discussions and more curious about the lives of other people, be they well-known celebrities or private citizens. This has given rise to a plethora of magazines and websites whose existence depends upon the community's salacious interests in the intimate details of other people's lives. By comparison, the daily newspapers and the august body of law makers in the Legislature are more circumspect in their reports and debates about this subject. However, they are, after all, products of the communities they serve, and they have relaxed their barriers and adapted their language accordingly.

This topic is worthy of attention because it is a sign of the shift in the tolerance for what conduct is acceptable in the modern era. To report or debate people's sexual behaviours is an indicator of the loss of restraint, which in turn is a symptom of the disintegration of the 'norms' of a society—further evidence of the slide into an anomic state of the modern world. Accordingly, in the random sample, there was an increase in references to sexual activity in WA and a decrease in Victoria. For the WA print media, the increase may have been due to a salacious interest in the behaviours of others, or it may have been simply due to the more permissible and vivid nature of the language used to report the offences, or to the need for legislative amendment to an existing act.

For the Victoria print media, the decrease from 2001 may have been due to extensive public discussion and legislative debate in the intervening years on sexual activity.

The debate surrounding the *Prostitution Control (Proscribed Brothels) Act 2001* (Vic) is one example of this attention, where members used the floor of the house to their advantage. The substance of the bill was to prevent the proliferation of unlicensed brothels, to deal with a previous Magistrates Court ruling, and to protect prostitutes from health and other injuries sustained in the course of their work. It was introduced on Wednesday, February 28th, 2001, resumed on March 1st and then again on April 4th for the Second Reading debate and the vote. Hansard shows that there was consensus across the floor, and with no amendments, the debate and the vote could be expected to have taken up very little of the parliament's time. That, however, was not the case: the debate occupied eight pages of Hansard and a range of peripheral issues was mentioned. Mr Hugh Delahunty (MLA, Wimmera [since re-distributed and renamed Lowan], National) referred to his wife being in the visitor's gallery, which would curtail his contribution to the debate on the 'delicate topic', but he managed to include a description of the services of a prostitute, call attention to the number of under-aged street workers in St Kilda, and then finally introduce concerns raised in a 1995 application to the Horsham Rural City Council (in his electorate) for a licence for an escort agency; the latter comment sending a clear message to his electorate that he was acting to uphold community standards.

Mr Richard Wynne (MLA, Richmond, ALP) spoke of his work with a community group to address the drug and alcohol dependence of street workers. Ms Andrea McCall (MLA, Liberal, Frankston) spoke of the concerns in her electorate of Frankston about the brothels in the area and evidence of her tireless devotion to her duties as a member responsible to her constituents in visiting many of the brothels, to satisfy herself they were being properly and safely managed; again sending a message to her electorate that she was acting in their best interests. Ms Jacinta Allan (MLA, Bendigo, ALP) stood to declare that her regional electorate of Bendigo was free of legal brothels, while Mr Hong Lim (MLA, Clayton, ALP) spoke of sex trafficking of women from Thailand in his electorate (Parliament of Victoria, 2001, pp. 635–637, Legislative Assembly, Record of Proceedings, April 4th).

The 2001 act itself was a very small piece of legislation and its successful implementation would have assisted the work of prosecutors and contributed to ensuring that all brothels were licensed and that the working conditions of the

prostitutes were improved; however, the contributions to its passage through the Lower House seemed to imply that the act was of great importance to the entire community. This is possibly due to its content having a broad emotional effect on the community as a whole. There was an opportunity for members to make a contribution to the debate, impressing their constituents, their parties, special interest groups and even their families. All of the contributions could be said to have been made for the purpose of politicians addressing concerns from voters and being seen to be upholding their responsibilities to their electorates.

### ***Research cited***

Research is cited on some occasions to strengthen an argument or defend a point of view in connection with a report on ‘crime’ or ‘punishment’. The logical assumption is that if a subject is sufficiently important to be researched, it must be serious. One possible reason for the small increase in the citing of research in the sample from the WA papers could be to accentuate the seriousness of particular crimes. In Victoria, on the other hand, there was a large decrease in the mention of research in the sample of articles between 2001 and 2011 as shown by Table 26. If the reason for the inclusion of research findings is to bolster the seriousness of a crime, it is logical to assume that the WA media were aiming to give their reports greater weight, however the converse could not be true; it is not credible that a media outlet would seek to reduce the importance of its articles. Nevertheless, because both cities were not synchronous, the results are not germane to this research.

### **Theme 4: ‘Victims’ in the media and the Legislature**

The mention of victims of crime in the media reports and parliamentary proceedings occurred because they were part of the story of the crime being reported.

The Victoria papers made more mention of crimes against people than those in WA; the figures for both cities were increased, but there was a larger increase in references to victims for Victoria. This is not surprising because Victoria readers exist within a polity that enacted the *Charter of Human Rights and Responsibilities Act 2006* (Vic) to protect human rights. In 2001, Victoria was in the throes of public discussions about individual rights; thus over a 10-year period, newspaper articles about offenders and victims would have had a receptive audience, and would have reflected the population’s general mood. This could account for the larger increase in mentions of victims by the sample of print media from Victoria. The increase draws

people's attention to the possibility that they could easily be the next victim, a situation that strengthened their fears for their own safety. The worry about crime is one of the predictors of punitiveness.

## **Language**

The examination of the sample of media articles from 2011 revealed a number of headlines referring to 'sexual assaults' that were more graphic than had been identified in the 2001 articles about 'indecent assaults', from which the word 'sex' or any permutation thereof was generally excluded from headlines. In 2011, the language was bolder. One example of this from the *Herald Sun* on March 30th, 2011 was the headline "Sex fiend appeal rejected. Deportation order stands". In the article itself the subject was simply called a sex offender, yet the headline used the word 'fiend', which refers to an evil spirit or diabolically wicked person; or someone who is addicted to something—in this case, sex (Macquarie Dictionary, 2013). Therefore the report, using graphic language, moved from simply reassuring readers that an offender was to be deported, to reminding them that the offender was an enduring menace.

The use of graphic or strong language has not been confined to the media; members of the Legislature also choose the language that is most likely to ensure the nightly news reports their words. Parliamentarians follow an unwritten code of behaviour that oversees politeness and courtesy, and eschews the use of profanity and suggestions of dishonesty (Parliament of Australia, 2016). This moderates the use of the language, but gives rise to inventive invective such as "These despicable beings—I will not call them human beings, because they are not" (Mr Rob Johnson [MLA, Hillarys, Liberal], November, 2011); or likens the parents of young graffiti vandals to the owners of savage dogs (Hon. Michael Sutherland [MLA, Mt Lawley, Liberal], February, 2011).

It would be expected that there might be a difference in the type of language used between 2001 and 2011. In the normal evolution of societies the language of the media will become more graphic or colourful over a decade in an attempt to attract the attention of the reader away from a similar article by a competitor. Language in this research has been classified only for the media articles, because the tracts of parliamentary proceedings gathered for this study were too long and often convoluted, to analyse. They also take their cues from the community and use the language that is acceptable within the limitations of the parliamentary conventions (Parliament of

Australia, 2015). I classified the language in the media articles as Restrained, Colourful and Graphic (see Appendix 1, p.218). Restrained language was consistent across the decade for the sample of WA papers, but showed a reduction in the sample of Victoria papers. The articles from the Victoria sample from 2011 used more colourful or graphic language than articles from the earlier period. The use of colourful language decreased slightly in the WA sample and increased slightly in the Victoria sample. The use of language classified as Graphic increased in both cities. The increase in the use of both colourful and graphic language in the reporting by the newspapers and in the parliamentary proceedings in both cities in matters relating to crime and punishment indicates two things: first, there is a greater acceptance of that type of language by their readers; and second, that they deemed it necessary to utilise that type of language although they were reporting or debating salient events that are, by definition, important because they are relevant. Their use of the more intense language was a deliberate choice that matched the mood of the community, which is a predictor of punitiveness.

### **Word count**

Some of the short articles in the sample were *In Brief* or *Oddspots* used as page fillers, although the articles relating to crime and punishment that contained fewer than 100 words, decreased in Victoria from 25 to 12, and increased in WA from 34 to 41.

Many of the small articles were the only report of the item of crime, consequently the reading public in WA was under-informed about any details, background information or explanatory material; some crimes were reported as isolated events, separated from the social circumstances that may have contributed to them. If a crime become 'two-dimensional' through insufficient reporting, it is possible that it may become conflated with memories of other crime reports and take on their attributes. They merge and become part of the fabric of the story that the community tells itself.

The articles reprinted below in their entirety were the only reports of these particular crimes in my sample. One from the *Herald Sun* was a report seeking information from readers through the Crime Stoppers phone line, and the other was a WA report on a court case for a very serious crime. The first article reports a crime and provides no social comment from groups in the community and would have caused a

raised eyebrow from the reader at the 'brazenness' of the robber. The second article details several factual aspects of a crime that may have caused the reader to draw several unconscious conclusions about the actors, namely wards of the state (who may have been Aboriginal children), and about background checks on foster carers. The article is also deceptive because it does not mention until the second last sentence that the accused was no longer living in the same house as his family.

### **Brazen robber**

A BRAZEN bank robber queued with customers before demanding the teller hand over cash at Chadstone on Saturday.

The woman, wearing dark clothes, sunglasses and red shoes, entered the Bank of Melbourne around midday.

Anyone with information is urged to call Crime Stoppers on 1800 333 000. (*Brazen Robber*, 2001).

### **Teen on child sex charge**

THREE wards of the State are in the care of the parents of a 17-year-old youth charged with sexually assaulting them.

The accused youth appeared in Perth Children's Court yesterday to face one count of sexual relations and four counts of indecent dealings with a child under 16 years. The alleged offences were made against a girl, now eight, and two seven-year-old boys between 1999 and this year.

The court was told the youth was no longer living with his family. Bail was granted on condition that any contact with the complainants be authorised by the Department for Community Development.

The youth was remanded to appear again in two weeks (*Teen*, 2001)

### **What does it mean?**

The elements of public life that have a bearing on people's attitudes are important in a discussion about punitiveness. Therefore the theme of Community mood could cast some light on the discussion. The disparities between the decreased recorded crime figures (ABS, 2102) and the increased attention paid to crime by the media and Legislature reflect a disquieting situation.

The research questions for the analysis of Stage 1 have therefore been answered thus.

a): Is there a difference in the language of the randomly generated sample of media reports and the legislative proceedings between 2001 and 2011?

Yes, there is. Journalists and MPs are professional communicators; they are able to discern the mood of an occasion and to choose, from a vast repository, the precise word or phrase to convey their precise meaning (Fiske, 2001; Perfetti et al., 2001). The journalist chooses language that is the most familiar to the intended audience and that best suits the publication's style and is able to capture and retain the reader's interest for at least the first paragraph (Fiske, 2001; Indermaur, 2009; Johnson & Milani, 2009; Scheufele & Tewksbury, 2007). Members of the Legislature, on the other hand, choose their words to reflect their party platform, to acknowledge concerns from the broader community and to remain in the good graces of their electorate, whether they speak in formal language during debates or the vernacular during Question Time (Thomas et al., 2004).

The increase in the use of graphic and colourful language in the media is the result of a number of causes, the principle one being that readers are increasingly prepared to tolerate graphic language because it has become more acceptable in the wider community. Another reason is that there are now more sources of news, forcing print newspapers to employ the shock tactics of explicit language in their headlines to attract the attention of readers.

b) - Are community attitudes to crime and punishment in 2001 in WA different to those in 2011?

c) - Does a similar pattern in community attitudes exist in one other Australian city, Victoria?

Questions 2 and 3 are discussed together, because only those proportions of items corresponding to those codes for which reports increased in both cities indicate the general community mood across the two cities. Coded items for which references increased only in one city have already been shown to have specific triggers related to that city alone. The aspects of the reports pertinent to this research are explained within the themes of Crime and Community mood.

### **Theme 1—Crime**

Community attitudes have changed over the 10-year period with respect to two specific types of criminal behaviour: public sector misconduct and offences against the

person. The dramatic increase in the references to public sector misconduct reflect the trust that people have in their public officials and how their confidence is affected when they discover that trust is misplaced. This makes a very strong basis for the media to run reports and for the Legislature to be more vigorous in being seen to be addressing such matters. The mentions of offences against a person have increased because although most crime types have decreased over the decade (ABS, 2012), violent crime has increased. The idea that many readers have of an increase in crime levels corresponds with the first predictor of punitiveness: perceptions of crime levels. This is a matter that is naturally going to have an effect on the feelings of community safety, which will harden attitudes to crime and punishment.

## **Theme 2—Community mood**

Community attitudes changed over the 10-year period with respect to Community concern, Human interest and Police activity. The mentions of both Community concern and Human interest speak of the increased degree to which newspaper readers were becoming unsettled with the reports of offending behaviour. Although neither category extends specifically to fear, they both signify the increase in a level of concern for welfare and safety. These are precursors to fear and anxiety, and a questionnaire administered to readers of the newspaper of both cities would almost certainly reveal that they were living in a heightened state of alertness over the crimes they believe to be taking place. This corresponds to the third predictor of punitiveness: worry about crime. In both cities, most crime rates decreased over the decade (ABS, 2012), but the newspapers and Legislatures in both cities increased their attention on crime, which would give rise to the belief in the mind of the reader that all types of crimes have increased. While they did not directly referred to fear and anxiety, they have provided enough evidence to prompt many public calls for stricter penalties in community forums. These calls arise from the belief that the penalties are not sufficient. In many cases, offenders are diverted to forms of punishment other than imprisonment which gives rise to the belief that offenders were going unpunished. This corresponds to the fourth predictor of punitiveness: an unwillingness to accept alternatives to imprisonment. In other cases, there are reports of re-offending feeding ideas that the first punishment is too lenient. This corresponds to the second predictor of punitiveness: public opinion about court sentencing.

The increase in the mentions of police activity serves to reinforce the mindset that the community has reason to worry. The majority of the articles about ‘crime’ or



‘punishment’ in the WA newspapers, for example, mentioned the presence of the police, whether or not they were at the crime scene, or whether or not they had a comment to make. This makes the community feel that there is a reason for an increased police ‘presence’ and that they are unsafe, which corresponds to the third predictor of punitiveness: worry about crime.

### **Predictors of Punitiveness**

As already mentioned, the predictors of punitiveness devised for this research were:

1. perceptions of crime levels
2. public opinion about court sentencing
3. worry about crime
4. willingness to accept alternatives to imprisonment
5. language.

When the findings from the analyses of the sample of newspaper articles and the proceedings in the Legislature are viewed together as the machinations of a dynamic relationship, they provide an indication of the change in community attitudes within both polities. The case study has demonstrated the increase in punitiveness, according to the predictors of punitiveness. It has shown that there is a perception that crime levels have increased; that the community lacks confidence in authority figures including judges; that the community is increasingly worried about growing crime levels; and that the language has become more graphic. Predictor 4 has not been demonstrated definitively in the media sample or Legislature proceedings; however, the calls for harsher punishments indicate a dislike of alternatives to prison.

Without examining public perceptions directly, it is possible to determine that the fears and anxieties of each community are both influencing and being influenced by the other two elements of the Triangle of Power, and the slide down the path of Anomie can be detected.

This chapter has collated all of the results from the two-part case study, which examined the media from 2001 and 2011 for WA and Victoria, and the WA and Victorian Legislatures for the same years, to identify and view them in light of the indicators of punitiveness devised by Roberts and Indermaur (2007) and modified by the current research; they were also discussed in relation to changes in the language used by both the news media and the Legislature over the decade.

The following chapter examines a series of events immediately following 9/11, which affected the Australian population as a whole and compounds the public and private feelings of dis-ease and concern for safety and security.

## **Chapter 8: Stage 2 - Proliferating Pressures on Public Perceptions**

Events occurred in Australia and internationally in the decade from 2001 that contributed to the state of dis-ease among the Australian public. Each was a notable occurrence in its own right, but cumulatively, these events added to the mounting sense of unease leading to the state of Anomie. The potency of these events was compounded by the power of the media to stir up fear, the power of politicians to harness the fear and the power of the community to voice its fear.

In the late nineteenth century of Durkheim and the early twentieth century of Merton, the voice of the people did not have as many avenues of expression and was not often able to be heard. The media was essentially a one-way instrument of communication and did not reflect the opinion of the public. Indeed it is debatable whether the views and opinions of the general public were ever known outside their own circles; the official opinions were conveyed through the agency of the gatekeepers and the social facts (Durkheim, 1895/1982). The great majority of community members took their cues for behaviours and opinions from the social rules and their position in society (Dicey, 2008). In reality, the term 'public opinion' was a misnomer, because opinions were limited to a small elite group of men closely linked with the rulers (Dicey, 2008). In the modern world, however, public opinion embodies attitudes of a broad cross-section of the populace who exploit a range of opportunities to make their opinions known. The media is both a contributor to and a reflector of this endeavour, and the Legislature, being more vulnerable to community mood than in the days of either Durkheim or Merton, pays heed to the voice of the public. When the public sees the responsiveness of the politicians to their fears or demands, it simultaneously satisfies their needs and reinforces the strength of their voice.

In 2001, a series of events occurred that contributed to the feeling of dis-ease in Australia. If any of these events were to occur in isolation, they would certainly be able to disturb a community, but when they occur in quick succession, sometimes days apart, they have a powerful impact, each adding to the effects of the one preceding it.

### ***The MV Tampa***

During the late twentieth century and the first part of the twenty-first, there were discussions in the Australian media about the immorality and heartlessness of 'people smugglers' who were taking money from desperate refugees and sending them by boat towards Australia's coast. On August 26th, 2001, a Norwegian cargo ship, the

*MV Tampa*, picked up 438 distressed asylum seekers (mainly Afghans) from a sinking fishing boat in response to a request from the Australian maritime safety authorities (National Museum of Australia, n.d.; Manne, 2009). The refugees demanded the captain take them to Australia rather than Indonesia, but then PM John Howard refused them entry (National Museum of Australia, n.d.) on the grounds that the asylum seekers were no longer in danger of death at sea, having been moved to a seaworthy vessel (Manne, 2009). The PM's decision notwithstanding, the Norwegian captain sailed for Christmas Island (part of Australia) for practical and humanitarian reasons. The entire episode generated much public and private discussion, including contributions from members of the government who used terms such as 'invasion' and 'illegal immigrants', which created a "confected atmosphere of emergency" (Manne, 2009, p. 242). Sectors of the media intensified the public disquiet; on August 27th, 2001; Victoria's tabloid *Herald Sun* asked its readers if the asylum seekers ought to be allowed to land in Australia; 615 said 'yes', but 13,572 agreed with the PM and said 'no' (Manne, 2009).

This single event demonstrated the power of the media to draw attention to public support for a controversial action. By taking this position and publishing the large disparity between the yesses and the noes, that particular media outlet kept the public disquiet in the forefront of their minds. The government's position was already clear and by August 29th, 2001, it had passed the *Border Protection Legislation Amendment Bill 1999* to provide legal immunity for Australian officials engaged in the task of removing ships from territorial waters (National Museum of Australia, n.d.). This legislation provided for refugees to be processed in a number of Pacific nations and never to land in Australia (Mathew, 2002). The Legislature was reacting to the fears of the populace reported in various forms of media. Each side of the Triangle of Power provides the impetus for the other two to take an active position. This is a clear example of the reciprocity of the Triangle; however, as has already been discussed, the pressure from each continues to act and exacerbate a situation. In this case, the media published many articles that both reflected and intensified community anxiety, and the Legislature created more responsive legislation to allay concerns and verify leadership. This in turn provoked more media reports leading to greater community awareness and the expectation of even more stringent responses.

## **Operation Relex**

In response to the ‘Tampa incident’, the Australian government decided that the Australian Defence Force would become a proactive agent on the high seas and actively deter the arrival of suspected illegal entry vehicles (SIEVs), replacing its previous role of giving reactive support to Coastwatch and the Department of Immigration and Multicultural and Indigenous Affairs (Senate Select Committee, 2002). Thus, on September 3rd, 2001, Operation Relex began.

The operation’s strategy was to provide information to the Minister for Defence alone; the minister’s office was the only source of information disseminated to the public (Senate Select Committee, 2002). Specific instructions were given not to “personalise” or “humanise” the refugees, but to “ensure that no imagery that could conceivably garner sympathy or cause misgivings about the aggressive new border protection regime would find its way into the public domain” (Senate Select Committee, 2002, s. 2.59). Under normal circumstances, the procedures of an operational activity are not generally known to the public, nor are they of interest, but in this case, due to the Tampa incident the public interest had been somewhat aroused and the minister was keen to “manipulate information and imagery in support of the government’s electoral objectives” (Senate Select Committee, 2002, s 2.60). Operation Relex ran from September 7th until December 16th, 2001 (Senate Select Committee, 2002).

On September 11th, 2001, the Western world was stunned by the 9/11 attacks, which I selected as the tipping point for the slide into fear and insecurity. In Australia, matters of security and personal safety were already in the forefront of everyone’s minds, due to the Tampa incident and the sporadic reports of the activities of the Royal Australian Navy. It was only a small step to harness the burgeoning alarm of a community and turn it into panic about terrorism, as was undertaken by the media and the government in their efforts to report and respond to public disquiet.

In a further effort to be seen to secure the security of the nation, the Australian government made a series of agreements with neighbouring nations New Zealand, Nauru and Papua New Guinea to house the refugees in the short term (Manne, 2009; Mathew, 2002). They created legislation to excise many Australian islands, including Christmas Island, from the Australian migration zone, a long-term solution to reduce permanently the ability of people to apply for refuge in Australia after arriving by boat; this was called the Pacific Solution (Manne, 2009; Mathew, 2002). On September 26<sup>th</sup>,

2001, the last day of sitting, the Senate passed the *Migration Amendment (Excision from Migration Zone) Act No.127 2001*; the *Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Act No.128 2001*; the *Migration Legislation Amendment (Judicial Review) Act No.134 2001*; the *Migration Legislation Amendment Act (No. 1) No.129 2001*; the *Migration Legislation Amendment Act (No. 6) No.206 2001*; and the *Border Protection (Validation and Enforcement Powers) Act No.126 2001*.

The Australian community was thus uneasy about some world events and the influence they may bring to bear on them.

### **The ‘Children Overboard’ Affair**

The next incident of note was the event that became known as the ‘Children Overboard’ affair. On October 7th, 2001, less than a month after 9/11, the media carried an announcement from the Right Hon. Phillip Ruddock, the Minister for Immigration of the interception of SIEV 4, from which asylum seekers had thrown their children overboard, to force Australia’s navy to rescue them. The report was accompanied by photographs in newspapers and electronic media, and was carried in all states for many days. The Minister for Defence, the Right Hon. Peter Reith confirmed the report, and made a connection between asylum seekers and terrorists in a radio interview on September 13th (Koleth, 2010). Official government sources continued to reinforce the story despite doubts over its veracity, and the media continued to report the incident despite counter-claims showing it to be false and a misrepresentation of the true situation (Senate Select Committee, 2002).

In 2001, the 24-hour rolling format of news dissemination was well established and Australian audiences were familiar with bulletins and updates every 15 minutes. Evidence showing that the Children Overboard incident had been fabricated, was supplied to the government by October 11th, four days after the original media announcement; yet, the incorrect story continued to be broadcast (Senate Select Committee, 2002). The PM’s office (but not the PM personally) was not informed officially of errors in the announcement until November 11th, one day after the federal election (Senate Select Committee, 2002).

The information/misinformation appeared to have been deliberately released to the community by the offices of the government aware of their need to galvanise

electors who would return them to power in the forthcoming election; indeed, it was found:

Despite direct media questioning on the issue, no correction, retraction or communication about the existence of doubts in connection with either the alleged incident itself or the photographs as evidence for it was made by any member of the Federal Government before the election on 10 November 2001.

Minister Reith made a number of misleading statements, implying that the published photographs and a video supported the original report that children had been thrown overboard well after he had received definitive advice to the contrary.

The Committee finds that Mr Reith deceived the Australian people during the 2001 Federal Election campaign concerning the state of the evidence for the claim that children had been thrown overboard from *SIEV 4* (Senate Select Committee, 2002, Executive Summary).

These findings reveal the lengths to which a government minister would go to retain government. Political scientists have long held the belief that one responsibility of elected politicians is to plan for their re-election, which in some cases may result in them placing their personal aims ahead of their responsibilities as leaders of a sovereign nation (Davis et al., 1988). In the middle of an election campaign, the electorate was receptive, but after the election was over and the truth had been revealed, many voters still believed the fabrication; the impression had been created and fostered and was not easily eradicated (Bux & Coyne, 2009). The general public relies largely upon information from the media and the government to guide their thinking because they do not have first-hand experience. This allows them to build a picture of the facts and to form a deeper response on an emotional level; it is the emotional response and the associated behavioural change that is difficult to alter (Bux & Coyne, 2009).

The public discussion included condemning the people who would risk the lives of their children by throwing them into the sea to force the navy to rescue them and bring them to safety (Dutter, 2001). It appeared that the majority of Australians were horrified at the 'actions' of the people on *SEIV 4* and convinced themselves that they would not want such ruthless people making a home in Australia (Dutter, 2001). Despite the subsequent contradictions, the initial emotional reaction was sufficiently strong to cause them to disbelieve media reports of the truth.

## **SIEV X**

The level of disquiet generated by discussions in the media between senior members of the Australian Defence Force, parliamentarians and public servant advisors, was elevated as the Tampa incident, the Pacific Solution, 9/11 and the 'Children Overboard' episode were recent. The public attitude to asylum seekers hardened, even when it was clearly demonstrated that the government and media reports had been wrong (Senate Select Committee, 2002). The media began regular reports of the arrivals of asylum seeker boats, calling them 'illegal immigrants', which made some sectors of the community fearful that the country would be overrun by refugees, particularly from Middle Eastern countries. Australians were still wary of them. It is therefore no surprise that the generosity that we Australians attribute to ourselves was subsumed into levels of worry and uncertainty.

SIEV X came to the attention of the public when it was (belatedly) reported on October 23rd that a vessel carrying 397 asylum seekers had sunk during the afternoon of October 19th, 2001, and that 352 people had drowned (Senate Select Committee, 2002). The tragedy of the loss of lives from the SIEV X was set aside in the questioning of reports and in refuting claims and counter-claims made by a range of public figures up to and including PM John Howard; as late as 2005, attempts were made to discredit authoritative sources who disagreed with the official version (Kevin, 2005). Tony Kevin, a former Australian diplomat, claimed that "The Howard Government had sold to Australia at large its own sanitised reality of its war on boat people: that it had stopped the boat people coming, using legal means, and that this was a good outcome" (Kevin, 2005, p. 109). This thesis has previously discussed the influence of the Triangle of Power and the effect that each side has on the other two; it is not difficult to see how, when confronted with the words of their PM and the related media reports, the Australian public were persuaded, such that, in general, they were mute in response.

## **The 'War on Terror'**

A direct result of the 9/11 attacks was the frequent and systematic use of the word 'terrorist' to describe any individuals or agencies who actively sought to destroy the institutions or symbols of the Western world. This was the catalyst for the so-called 'War on Terror', which linked the war with a cache of 'weapons of mass destruction' allegedly held by Iraq (Cardaras, 2013; Duvall & Marzec, 2011; Everett, 2010). With the focus of the Western world shifting to the Middle East with barely disguised



nervousness, the Second Gulf War was finally mounted by the US with its allies—the ‘Coalition of the Willing’ (see Consequences of 9/11 above). This was promoted as a retaliation for the 9/11 attacks, linking Osama bin Laden, the leader of the attackers from Al Qaeda, with Saddam Hussein, the President of Iraq. These links have since been proven to be incorrect, but at the time, repeatedly and over eighteen months, they served to remind people of the way in which the ‘Arab’ (Shaheen, 2003, p. 172) terrorists had undermined their trust and security (Cardaras, 2013).

The First Gulf War, in the 1990s, had been viewed with trepidation and disquiet—the same apprehension that accompanies any war. The public interpretation of the Second Gulf War was different for two main reasons: first, it was underpinned by the global alarm triggered by 9/11; and second, it was broadcast live daily to a waiting, receptive and fearful world-wide audience (Duvall & Marzec, 2011; Everett, 2010). Although the watching world understood the idea of wars, most had never seen them conducted live. The television coverage direct from ‘embedded’ journalists also reminded people that they had cause to be uneasy about some people from the Middle East despite what they already knew about the differences between Saddam Hussein from Iraq and Osama bin Laden from Al Qaeda, and their fundamental beliefs and motivations for control and supremacy (Cardaras, 2013; Shaheen, 2003). The community was mesmerised by the public dialogue conducted through the media and the parliaments and, rather than evaluating evidence and questioning motivations for retaliation, they accepted it, rather like victims of shell shock.

### **The Financial Upheavals**

The ‘global village’ of Marshal McLuhan (McLuhan & Powers, 1989) was made even smaller by the development of the Internet and the World Wide Web (DiMaggio, Hargittai, Neuman, & Robinson, 2001). In 2001, the Internet had expanded to more than 10 million sites, including commercial sites from banks, financiers, stock exchanges and retailers, all available to an ordinary individual, which signalled changes in the social and financial interactions of users (DiMaggio et al., 2001). Society embraced that development whose impact on the community was seen to be positive; an enhanced avenue of communication supporting the ability of all people to participate. People could communicate with one another or with their business and financial interests more readily and could therefore receive news and updates at the click of a mouse; but could also be victim to panic over bad financial news (Tamandehrou & Khan, 2015).

On November 28th, 2001, the international finance organisation Enron, with assets of more than \$US62 billion, was declared bankrupt. The collapse had incalculable consequences that reached tentacle-like into financial systems throughout the world (Fearnly & Beattie, 2004). Suddenly, the world economy appeared susceptible and the confidence of bank users was shaken. The implications of this were felt in Australia, because many Australians had already been affected by the collapse of another large, seemingly impregnable company, HIH Insurance Corporation (Mardjono, 2005). Coming as they did in the same year as 9/11, these events had a greater impact than may otherwise have been expected of a collapse of a single insurance company or one finance company.

Communities thought they were victims of forces outside their control and they were under siege; they felt that aspects of their lives that had once been reliable had become vulnerable. Despite the overwhelming majority of Australians having no direct connection to either disaster, their collective notion of security was beginning to unravel. The persistent references to calamities and tragedies by all media served only to reinforce their defencelessness and to remind them of their vulnerability. A sense of powerlessness was entering their lives. This was the last straw for many people, but more was to come.

In 2005, another global financial disaster was foreshadowed and discussion about reverting to the Keynesian solutions of increased government expenditure (Davis, 2008; Yeates, 2014) reminded people that their financial stability was vulnerable; the ground under them was shifting, bringing about the re-distribution of wealth, a change in social values and dramatic increases in personal stress levels. This was the foretaste of the Global Financial Crisis (GFC) of 2007/08 wherein the world saw an almost complete disintegration of the financial system and the loss of many trillions of dollars, leading to changes in the financial security of companies; of bankruptcies; and of ordinary people losing their jobs and, in some very bad cases, their homes. From late 2007 to early 2009, the financial world and indeed capitalism itself underwent the most dramatic of declines since the Great Depression of 1929 (Berberoglu, 2012). In Australia, the worst effects of the GFC were avoided, due in part to a strict system of financial regulation and in part to a combined government stimulus package and spending on infrastructure (*How Australia weathered the global financial crisis while Europe failed*, 2013). Despite this, Australians were still apprehensive as even the small effects of the GFC added to the national gloom, growing since 9/11.

In the late nineteenth century in France, after the crash of the French stock market, the Bourse, Durkheim wrote of the increase in the suicide rate, which he blamed on the resultant economic instability and collapse across Western Europe, calling it “anomic suicide” (Durkheim, 1897/1951, p. 241). He argued that the suicide rate was unaffected by the price of basic commodities because rates were high despite the lowest price on record of some staple foods; for example, wheat in Prussia was at its lowest price during the entire period of 1848–1881, yet the suicide rate increased by 13% (Durkheim, 1897/1951, p. 242). He demonstrated that economic instability was a cause of great anxiety within the community.

Australia escaped the most serious effects of the GFC, but the community’s unease added to fears of the ongoing arrivals of asylum seekers by boat, and it demanded that they be stopped. The financial upheavals forced communities into a state of uncertainty and to demand that governments act to protect them. At the same time, people fleeing from Middle Eastern countries were trying to gain access to countries of the developed world, bringing with them their different cultures and religion. Under normal circumstances, such an influx creates a fear of ‘the other’, but in financially straightened times, the fear is magnified and communities demanded their governments act.

### **The Bali Bombings**

In 2002, after the media coverage of the first anniversary acknowledgements of 9/11, though many ordinary citizens of the Western world were still feeling unsettled by the attacks and the collapse of Enron, their faltering composure was placed under greater strain by terrorist bombings in the favourite Australian holiday destination of Bali, which killed 202 people, 88 of whom were Australian. The immediate effect on Australians was one of shock and grief, and then of outrage and anger (Lewis, 2006). They reasoned that if the terrorists could reach into their leisure time and attack them while they were on holidays, then there could be no more certainty about anyone’s safety (Lewis, 2006). The Bali bombings occurred one year, one month and one day after the 9/11 attacks, and there was naturally a reprisal of the coverage of the latter in all media in Australia, which kept both traumas at the forefront of the minds of the audience. Some judged the associated psychological and emotional effects of such reminders to be similar to post-traumatic stress (Huddy & Feldman, 2011; Wisman, 2014) exacerbated by reminders in reporting of each successive calamity. Again the power of the public was in evidence through the repeated media reporting and in the

public statements made by politicians. Once again, it is difficult to distinguish which of the arms was the initiator of the change in attitude, because each acted upon and was acted upon by the other two.

### **The London Bombings**

On July 7th, 2005, bombs were detonated on underground and above-ground vehicles of London's transport network, causing the deaths of 56 people and injuring more than 700 (Bux & Coyne, 2009). This terrorist act served to remind the community again of their vulnerability to the actions of others for reasons with which they were not familiar. In WA, a sizeable percentage of the population was born in the UK, and naturally this event had particular resonance for them. Consequently, the *West Australian* carried many related articles over many days, reminding all readers of their powerlessness in the face of determined terrorist aggression. After the 9/11 attacks, it was found that the effects of a terrorist act are not confined to the immediate vicinity of the attack, and symptoms of stress were experienced by the broader community and indeed internationally (Galea et al., 2002).

The influence of the London bombings was felt in the wider community of WA and Australia, even among those who had no family connections to London. It is worth noting, however, that after the bombings, Bux and Coyne interviewed 294 people (31.8% males and 68.2% females) from a community in the north-west of England—and therefore not directly affected by the London bombings—and found that although they felt sympathy for the victims and anger towards the perpetrators, they showed no signs of personal trauma; any effect on them of the attacks was minimal (2009).

Bux and Coyne (2009) also found that tolerance towards the religion of the London bombing terrorists (Muslim) was largely unaffected, due in part to an immediate campaign by British Muslims dissociating themselves and their religion from the attackers. In Australia, the bombings appeared to be more keenly felt, partly due to the cumulative effect of the events since 2001 mentioned above, and partly due to a misperception that all Muslims could easily become terrorists—a perception that seemed to be addressed by neither the Australian Muslim community as a whole nor the federal or state governments. Indeed, the bombings in London served to add another layer to the sense of unease and disquiet felt by many Australians.

## **Immigration**

Between 2001 and 2011, many Australians were likely to be unnerved by their experiences, directly or indirectly, of each of the episodes discussed in this chapter. Each episode had been the subject of many multi-media reports, and each added to the feeling of unease created by the one before. During this same period in Australia, a greater number of immigrants were people from the Middle East or Africa. Disquiet among the public (one side of the Triangle) was created through the media reports and political statements combining two distinct sets of events involving Muslims or people who appeared to be Muslim: the asylum seekers who were called illegal immigrants, and the terrorist attackers. There was no attempt by either the media or the Legislature, the other two sides of the Triangle to distinguish between the vast majority of peaceful Muslims and the radical, politically active Muslims; although this had occurred in other countries where the name given to radical Muslims is 'Islamist'. As a consequence, the post-war pattern of acceptance of new migrants was disrupted.

Post-war immigration into Australia has followed a wave-like pattern and observations made with the benefit of hindsight reveal a degree of acceptance of new migrants after a 20-year period. This period equates roughly to a generation wherein the immigrants find work and settle in, have a chance to observe local practices and adapt to them and have children who grow up as Australians (Isaacs, 2011). Regarding immigration programs before the turn of the century, a long period of economic stability or growth prevailed, which certainly helped absorb many of the newcomers and provide them with ready access to employment (Collins, 2008). However, for the migrants and refugees from the Middle East (mainly Afghanistan, Iran and Iraq) there had not been the opportunity of a generation to settle into Australian society before they were superseded by refugees from Africa as the most recent immigrants. Further, the immigrants and refugees from the Middle East appeared to be predominantly Muslim and so they were categorised as dangerous before the Australian host population had a chance to learn about them (Dunn et al., 2007).

At the time of the boat arrivals seeking asylum, the government led by PM John Howard, characterised them as a challenge to national sovereignty and called them 'illegal immigrants', and spoke of them as if they were invaders from the sea (Museum of Australian Democracy, n.d.; McCallum, 2002). This led to a difficulty in their acceptance, which was accentuated by the seemingly continuous news of terrorist

attacks on foreign soil by extremist Muslim groups—some from the Middle East and some from the African countries.

The attitude of a government can influence acceptance or rejection of a change in social circumstances, and the stance of the PM either by accident or design galvanised public attitudes against the latest wave of asylum seekers, but of rallying public disquiet towards Muslims. This was exacerbated by former PM, the Right Hon. Tony Abbott (2013-2015) who used divisive language about Muslim Australians in a television interview in which he said *inter alia*:

All cultures are not equal and, frankly, a culture that believes in decency and tolerance is much to be preferred to one which thinks that you can kill in the name of God, and we've got to be prepared to say that. (Abbott, Australian Broadcasting Corporation [ABC] Television News, December 8th, 2015)

Utterances such as this create a state of uncertainty and worry among all members of the Australian populace, but is compounded by the knowledge that in the asylum seekers' countries of origin, war and unrest was continuing and creating more refugees daily. In the early years of the arrival of Vietnamese refugees in boats, Australians knew something of their occupants because Australia had participated in the war from which they were fleeing, and the conservative government of the day led by PM Malcolm Fraser exhorted the public to accept the arrivals, issuing the following statement: "Australia will continue to accept Indo-Chinese refugees" (Button, 2002). In later years, the attitude of a PM again contributed to the view of the populace (McCallum, 2002), although in the opposite way.

One factor in the success of the blending of cultures is the introduction and embracing of different foods and culinary practices (Dandy & Pe-Pua, 2010). Another factor is the similarity in the religions of the receiving population and the incoming people, because all were based on Judeo Christian principles. In the light of Durkheim's Anomie theory, this acceptance can be further explained by the newcomers mixing with the locals; moving into the workforce, but not taking employment, thereby not threatening incomes and work; broadening the food and entertainment options but not upsetting the basic Judaeo-Christian framework of beliefs and values. In Durkheimian terms, it could be characterised as a natural development of an organic society, incorporating new 'social facts' and adapting to changing conditions. Durkheim's view of 'social integration' whereby individuals, through providing their

labour to the society, contributed to social cohesion (Hartmann & Gerteis, 2005) and provided a rational explanation for the acceptance by the host population of the surge of incomers.

The influence of governments and oppositions notwithstanding, if all had gone according to the example set by the 'generation rule' (Isaacs, 2011) of Australian history, according to which it takes an entire generation for each new wave of immigrants to begin to be accepted by the host population, the most recent wave of migrants from Middle Eastern and African countries would have been accepted more readily over the first decade of the twenty first century. Although they are dramatically different in appearance, culture, religion and food, these differences in themselves are not sufficient to precipitate a state of Anomie. The new arrivals did not have the time to learn to join in and eventually be accepted by the host populace for two main reasons: the first is that the first wave had barely begun before another wave of entirely different refugees and immigrants from Africa was trying to enter Australia; and the second is the previously mentioned attacks of 9/11. This unsettled the entire Western world, causing many, including Australians, to categorise all Muslims as dangerous and as potential terrorists, linking the 9/11 terrorists with the religion rather than a particular ideology (Huddy & Feldman, 2011; Poynting & Mason, 2008).

Across the Western world, countries that are universal receivers of migrants have become similarly wary of the adherents of this one religion (Poynting & Mason, 2008; Shaheen, 2003); a wariness that resurrects the old Hollywood stereotypes of people from the Middle East being untrustworthy (Poynting & Mason, 2008; Shaheen, 2003); a wariness that is augmented by daily reports of further terrorist attacks on both Western and Muslim targets.

### **The use of the word 'terrorism' in the Legislature and the media**

The repeated use of certain words has a particular effect on the listener, viewer or reader. For example, the word 'terrorist' seemed to appear more frequently in the media and the Legislature; the attacks of 9/11 gave rise to some memorable speeches from some members of the Legislature, which directly contributed to the exponential increase in the symptoms of social unease. This is a revealing example of the way in which each side of the Triangle of Power uses the circumstances of a situation to enhance its own position, eventually leading to the creation of legislation ostensibly to allay the public fears, the magnitude of which they had intensified. When the attacks

happened, then PM John Howard was actually in Washington preparing to address a joint sitting of the Congress and naturally, was considerably moved by the horror of the event. Mr Howard spoke in the Australian Parliament after his return, in a statesman-like speech about the losses of life, his loathing of terrorist acts and the acts of heroism; 59 other members from both sides of federal parliament also spoke on the matter (Parliament of Australia, 2001, pp. 30739–30800, Proceedings of the House of Representatives, September 17th); they put into words the shock, disbelief and sadness the Australian people felt.

A federal election was due to be held on November 10th, 2001, and in their campaign speeches and interviews, the leaders of both political parties used reassuring words about the ‘well-known’ Australian tolerance and acceptance of all ethnicities and all religions. The electorate, still reeling from the shock of the 9/11 attacks, did not hear the message; their minds were suffused with the image of Muslims as terrorists. The community had not yet accepted the latest immigrants (Isaacs, 2011), many of whom were Muslims from the Middle East. Overlaid onto this circumstance was the previously discussed general Western view, reinforced through Hollywood movies of the Middle Eastern person as the villains (Shaheen, 2003); therefore, communal apprehension and dislike were entrenched and people seemed not to hear any of the words that countered this view. When the news carried stories of adverse or negative events and reactive comments from politicians, the community listened.

At the launch of his party’s election campaign on October 28th, 2001, PM John Howard added a rider that struck a chord within the hearts of the electorate, in his famous (or infamous) words: “we will decide who comes to this country and the circumstances in which they come” (Museum of Australian Democracy, n.d.; McCallum, 2002). He continued to build on the fear that the attacks had created, exacerbating an anxiety about ‘the other’ that bolstered his flagging popularity and was indeed credited as a reason for his success at the following election (Lawrence, 2006). The enactment of amendments to the *Federal Criminal Code (Criminal Code Act, 1995)*, popularly called the ‘Counter-terrorism Laws’, served to keep the fears in the front of people’s minds. The Australian Federal Legislature tabled and passed over 50 new statutes in direct response to threats of terrorism in the decade after the 9/11 attacks (Williams, 2011). These laws (called ‘hyper-legislation’ by Canadian academic, Professor Kent Roach) have been seen as an unprecedented but populist reaction to the threat of terrorism (Williams, 2011). The scope of the laws includes restrictions to the freedom of speech, new sedition offences, warrantless searches of private property, and



alterations to the detention and questioning powers of ASIO (the Australian Security Intelligence Organisation). Many Western nations did the same thing in ‘a global convulsion of lawmaking’ (Lynch, 2012) to suit the political aims of the Legislature.

One casualty of this tactic was the embryonic national tolerance of people of Middle Eastern backgrounds in general and Muslims in particular (Dunn et al., 2007). A broader consequence was the national sense of security, the fraying of which exacerbated the slide into Anomie. The national and local state of mind needed nothing more than the voice of the highest public servant in the land (the PM) to intensify its sense of disquiet and send it down the pathway to Anomie.

This chapter explained the accumulation of stressors on the community that appears to have brought about changes in attitude and a shift towards increased punitiveness. In isolation, each may not have had a lasting impact, but when taken together over a decade, from 2001, it is clear that each added to the psychic burden on the community.

Contemporarily, community members may voice their views through many avenues. Both the media and the Legislature have an interest in being aware of those views so each can be seen to be responding to them to achieve their own aims. The following chapter discusses the findings from a case study described in Chapter 4 that examined the records relating to ‘crime’ and ‘punishment’ for two years, 2001 and 2011, of two sides of the Triangle of Power—the media and the Legislature. The examination was made to identify a change in community mood that would indicate an anomic state of mind, as demonstrated by the indicators of punitiveness and the changes in the language used.

## **Chapter 9: Stage 3 - Differences across Time and Space?**

There has been a number of changes to the social structures of communities in the Western world which are a natural part of the evolution of organic societies. Some changes, however, have neither been gradual nor predictable and they have combined to hasten progress to the point where the societies are shifted beyond their 'comfort zones'. Some aspects of modern life bear no resemblance to their previous counterparts because they have not merely evolved, but have been demolished and supplanted by configurations that are barely recognisable.

### **Shift in the Values: From Communal to Individual**

The seeds of the present social structures were sown during the Enlightenment. During this period, the theory of 'liberalism' was proposed to encapsulate the political ideals that reflected the aspirations of the burgeoning middle classes, and that questioned the inequity of the political and economic privileges conferred on the aristocracy through an 'accident of birth' (Heywood, 1992). Liberal philosophers also advocated an industrialised economy and a society free from the limitations of government interference.

Western political systems have been shaped by the ideas and values of liberalism, and the link between liberalism and capitalism guarantees political and economic liberty in a liberal democratic society (Heywood, 1992). In the societies of Western Europe during the Enlightenment, the individual was viewed as just as important, if not more important than, as the social group—to the extent that community interests were often overshadowed by the interests or rights of the individual.

Contemporary Western democracies are steeped in these principles (Franck, 1997; Gelfand, Triands, & Chan, 1996).

In the developed world, individual rights and freedoms include the right to hold an opinion, the right to express it and the right to answers. Over recent decades more people have felt increasingly empowered to use public platforms to exercise these rights, to express their views or to make demands (Leighninger, 2011; Şen, 2012). At the same time, the dominance of individual rights has hastened the erosion of the communal nature of society; the Western world has become more focussed on the individual at the expense of the communal (Gelfand et al., 1996; Willmott & Nelson,

2006). In the early twenty-first century the right of the individual is unquestioned, and people demand customised service and expect personal choices to be fulfilled (Willmott & Nelson, 2006). In Durkheim's world, the family and the community were automatically regarded as the essential building blocks of the society; and the early twentieth century world of Merton saw the family and community as the most accessible units of socialisation. In the modern world, however, the family and community structures have changed. Indeed divorce and separation are more acceptable in the modern western world enabling the inevitable flourishing of re-partnering and the increased acceptance of blended families (McDonald, 1995). There has also been a change in the roles of family members (McDonald, 1995). As a consequence, the family structure has become less influential in the face of the right of individuals to speak their minds (Gelfand et al., 1996).

All individuals can be empowered to speak out, although some are ill-equipped for public dialogue and the consequences of the ensuing debate. The societies of both Durkheim and Merton had fewer forums for members of the public to make their views known, and there was little diversity of platforms for the publication of views of the wider community. The practice of 'speaking up' spawns forums through which information and opinions are disseminated, providing a number of windows through which an observer is able to gain an insight into the mood or attitude of a community.

Avenues such as these are attributes of a society with a focus on individual rather than communal rights, and they are ways in which people make their feelings known to legislators—who monitor such forums—with the implied 'threat' that if they are ignored, they will cause change at the next election. In this way, legislators are captives of the community because fewer electors in Australia retain an allegiance to a particular party (Chaples, 1997; Denemark & Niemi, 2012; Manning, 2002; Sawyer et al., 2009) and due to compulsory voting, they could easily switch their choice to another candidate.

### **The Patterns of Immigration**

Across the Western world, the movement of migrants has increased in response to changes in their countries of origin. The nations of the so-called New World (Portes, 1999), such as the US, Canada, Australia and New Zealand are not only receiving immigrants from the Old World nations of Europe, but also are attracting migrants from Asian, South American, African and Middle Eastern countries. In some cases, the

prospective migrants have followed one of the orthodox entry pathways into the new country, and in other cases, people have sought refuge based on the United Nations definition of a well-founded fear of persecution due to internal wars, or upheavals and unrest in their country of origin (Wilsher, 2003). The pattern of migration into Australia reflects this world phenomenon. Australia as a recipient nation had actively pursued a policy of immigration to build population numbers; and in the decades since the 1970s, after the passing of the *Racial Discrimination Act (1975)*, in a bipartisan manner it welcomed migrants from a range of nations not previously sourced (Koleth, 2010).

In recent decades, immigration has not been confined to the New World. Old World countries such as the UK and European nations have accepted hundreds of thousands of migrants, many from the Middle East, who are escaping persecution by political movements such as Al Qaeda and ISIS (Katulis, al-Assad, & Morris, 2015). The public mood in the West is becoming increasingly wary of the perceived threat to social cohesion that large immigrant communities present, particularly in light of international security issues presented by people from the Middle East, from where both asylum seekers and terrorists originate (Koleth, 2010). In the minds of many in the receiving countries, Middle Eastern immigrants and refugees are indistinguishable from terrorists because they are Muslims; and media *reportage* and government commentary help to sustain or build fear. There is insufficient or inadequate education to help people understand the difference between them and the perpetrators of the deadly terrorist attacks across the world purportedly in the name of that religion.

Australia is an example where governments could show leadership to calm fears, promote education and increase tolerance. However, a succession of federal and state governments from each side of the political divide reacted to people's fears and engaged in cruel and possibly illegal actions to prevent the arrival by boat of asylum seekers by turning them around and towing them back to their point of departure (Koleth, 2010; Senate Select Committee, 2002). In the minds of many members of the public, bolstered by commentary from their legislative representatives and their daily media, a strong link has been made between terrorists and refugees.

The flow of people with different cultural values and social practices into a host community can feel like an invasion of sorts, or a challenge to the status quo. It is an unsettling experience for many and adds to the feeling of uncertainty and insecurity leading to a state of Anomie.

## **The Change in Employment Patterns**

Employment has always been a barometer of the economic circumstances of a nation state. It is connected to the health of the economy: when the economy is flourishing and there is a wide range of employment opportunities, people are able to plan their lives with a degree of certainty. Conversely when unemployment is high, the insecurity and uncertainty that affect all areas of the life of one unemployed person become multiplied across the wider community; and at the same time, some people in employment find their permanent positions being changed into contract positions (Virtanen, Kivimäki, Elovainio, & Vahtera, 2002). An employee no longer has job security and cannot obtain bank loans or credit, which effectively excludes them from participating in some normal activities. Over the past decade, this practice by employers appears to have become more widespread and more people have found themselves in the realm of uncertainty (Virtanen et al., 2002). Further, many jobs in manufacturing industries have moved off-shore due to the globalisation of corporations and their ability to find less costly sources of labour and production in developing countries.

When economic circumstances become more severe and economic downturn or recession occurs, and becomes an economic depression, the effect upon the mood of the community is profound (Berberoglu, 2012). In an uncertain employment market, rivals for the same position take on different qualities; if among them is an immigrant who secures a job, the resentment of a local contender is exacerbated. This could be made even more pronounced if the successful candidate is from a different cultural background, remembering that the majority of people take their cues from popular stereotyping by media, entertainment and even PMs. Thus, members of the public feel themselves to be disadvantaged and make their antagonism known to governments.

Employment provides more benefits than mere income: there are personal benefits such as feelings of worthiness and satisfaction; health and education benefits; and social benefits. Conversely, unemployment causes a loss of these, and when the unemployment rate is high, the disadvantages seem to be exponentially increased and feelings of exclusion and powerlessness prevail. In isolation, unemployment is a demoralising state of affairs, but when it occurs in an environment of high immigration and public discontent, it will increase feelings of community anxiety.

## 24-Hour News Cycle

A further issue is the evolution of the 24-hour news cycle. This form of news delivery promises up-to-date news bulletins, the ability to watch events as they happen, and greater analysis and explanation of news (Lewis, Cushion, & Thomas, 2005). Research in the UK found that longer or more frequent newscasts meant increased employment opportunities for political journalists running discussion-style programs, and a greater role for political advisors or ‘spin doctors’<sup>15</sup> rather than in-depth analyses (Lewis et al., 2005). A further finding was the marked difference between commercial and non-commercial news outlets: the non-commercial BBC (British Broadcasting Company) broadcast 17 items in one hour, while the commercial stations ITV and Sky could only manage 12 (Lewis et al., 2005). To maintain credibility with a public trained to expect immediacy of new information, US news outlets were compelled to update constantly and extend the main story (Rosenberg & Feldman, 2008). This phenomenon was claimed by former UK PM, the Hon. Tony Blair to have “created an environment that required media to increasingly compete for attention and forced politicians into a mode of perpetual reaction that served no good purpose” (Rosenberg & Feldman, 2008, p. 4). When politicians are the objects of constant media attention, they understand the importance of being seen as reactive to constituent demands and responsive to their fear of crime (Green, 2010), to retain their seats.

The general finding from research in the US and the UK was that the promised analyses and explanations did not materialise and consumers were in fact watching the same news played over and over (Lewis et al., 2005; Rosenberg & Feldman, 2008). In the headlong rush to put different news to air, editors were found to be accepting stories that were uncorroborated or sloppy (Lewis et al., 2005) and due to commercial pressures, the attempt to attract audience numbers resulted in that most modern of creations ‘infotainment’,<sup>16</sup> wherein some of the strategies employed are sensational narratives, attention-grabbing visuals and a focus on celebrity (Jones, 2012; Lewis et al., 2005; Rosenberg & Feldman, 2008; Thussu & Freedman, 2003).

Due to the pressure to find new stories, journalists sometimes resort to stories from social media (Gillis & Johnson, 2015), a twenty-first century version of having

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<sup>15</sup> “‘Spin doctors’ work with ministers to ensure that the government’s key political messages reach the citizenry. They work on the news agenda and develop and place stories in the media for political advantage ... The spin doctor is involved in the construction of the meta-narrative that is the permanent campaign” (Stockwell, 2007, pp. 131–2).

<sup>16</sup> ‘Infotainment’ is a portmanteau word created from the combining of ‘information’ and ‘entertainment’.

informants on the streets. This allows them to have a 'fly on the wall' perspective on what is important in the community. However, due to the urgency to publish before the competition and to keep their consumers informed, there is often no time to check or verify such stories (Gillis & Johnson, 2015), which means they could be recirculating the same incorrect and limited information under the cloak of the respectability of an edited newspaper.

The media in Australia would appear to be in a similar position, although academic research in the area is limited (Hodge & Matthews, 2011; Maddison & Denniss, 2009). One implication of the availability of news 24 hours per day is that much of it is able to be accessed online (Considine, 2009). Readers are being exposed continually to reportage and private blogs about every aspect of the news. People with a fear of crime or a concern for their security will often seek out stories confirming their views, like moths to a flame, so there will be few opportunities to alter or challenge their perspective.

If an individual were keen to investigate a story further, alternative sources of information providing extra detail are not widely available. Episodic news formats that repeatedly give oversimplified accounts of crimes as discrete events with no contextual information are common in media reports (Green, 2010). Unfortunately, the problem for the public is largely unrecognised by them: the 24-hour news cycle repeats the same news, dampening the critical faculties of the audience (Rosenberg & Feldman, 2008). This trivialises news (Thussu & Freedman, 2003) and gradually renders the public incapable of analytical thought, causing them to accept uncritically and trustingly what they receive (Finnegan, 2006) and leaving them with little interest in challenging their 'absorbed' views.

The media also has a role as a rallying point for public attitudes, and is a receptacle for public comment on the broadest range of matters. This can be seen in Letters to the Editor, talk-back callers and online commentaries followed by editorial comments and the reporting on public rallies or events relating to particular issues. In some cases, it is difficult to determine whether the media is promoting certain views that are then adopted by the public, which could be seen by selecting particular letters; or simply providing a forum for the public to express their unsolicited views. Regardless, the end result is that the media is central in broadcasting to the public their own views towards criminal punishment.

When large numbers of people are unemployed, competing with immigrants for scarce jobs and hearing about the discontent of others—24 hours a day—their feelings of anxiety are exacerbated and they become aware that the times are changing and they may be left behind.

### **Instant Communications and Social Media**

Although people are affected by events and circumstances in their communities, reporting the reactions to the calamities since 9/11 has been facilitated by advancements in technology. Developments in the efficiency of transport and communications have broadened and deepened their reach; and figuratively reduced the size of the world. It no longer takes weeks or even days for news to reach the other side of the world, but seconds. The world has become 'smaller'. Decisions in one part of the world can have an instantaneous effect in another part of the world; for example, the sound and sight of wars and conflicts can be beamed into lounge rooms and onto hand-held devices daily. Not only are people hearing and seeing the news from their own communities, they are also watching what is happening across the country and across the world. The local community seems to have been replaced by the world community and the number of events and circumstances that can impact the lives of individuals has dramatically increased.

The voice of the community has flourished through the growing phenomenon of social media—an unregulated and unedited avenue for the community to voice its own views. World events had been brought to our doorstep by the public news media. Private media in the form of Facebook, Twitter or Reddit, for example, gave users the capacity to read, create, share and re-share every gruesome image or salacious detail, to their 'friends' or 'followers', without the restraints of an editorial process (Poor, 2006). Posts about the 'news' are broadcast all through the day and night, whereas in the past, dissemination of news was confined to a single television newscast in the evening or a single newspaper edition in the morning.

The important role of Durkheim's gatekeepers has diminished with the rise of social media (Poor, 2006). People have an opportunity to challenge the actions of the authorities, seek out like-minded souls and locate websites that suit their attitudes. They locate cyber-communities, disseminate information, rally supporters, hatch plans or perpetrate acts of terrorist violence; in past eras, they would not have had the capability had they been reliant upon public media or even old-fashioned telephone



connections (Lynch, Freelon, & Aday, 2014; Wolfsfeld, Segev, & Sheaffer, 2013). In this context, members of the public have immediate access to information and the instantaneous capacity to feel themselves sufficiently informed to participate in their own governance. In the worlds of Durkheim and Merton, ordinary members of the public had no such power and neither could have imagined the capacity of ‘people power’ to wield such influence.

The ‘online’ communities support one another, bypassing the gatekeepers and the authorities. Some may attract disgruntled and disenfranchised individuals, and together they comprise entirely invisible, but powerful communities, unrestricted by geography. The so-called ‘Arab Spring’ of December 2010 to March 2012 flourished due in large part to the use of social media platforms, such as Facebook and Twitter to create cyber-communities of like-minded souls (Lynch, et al., 2014; Wolfsfeld et al., 2013).

The Arab Spring was a series of massed public protests beginning in Tunisia, and spreading to Egypt, Libya, Yemen, Bahrain and then to Syria; in some cases resulting in the overthrow of governments of long standing (Lynch, et al., 2014; Wolfsfeld et al., 2013). It would never have taken place had the communications been limited to the Durkheimian gatekeepers or government-approved media (Lynch, et al., 2014; Wolfsfeld et al., 2013). This was again demonstrated in the communications between members of ISIS in preparation for and the execution of deadly attacks world wide.

Although called private or social media, such media is connected to the public media through its function of disseminating information. It should more properly be called ‘private unedited selective communications’, as users are able to access news and communicate their views to innumerable recipients in their address books. It has the capacity to reach many more people than public media; and it is available at the touch of a button on the electronic devices that people carry with them. It allows unedited and unrestricted communications to multiple destinations in an instant, spreading feelings of uncertainty and compounding the sense of apprehension besetting the people of the Western world. Many users of these media do not seek alternative viewpoints, but actively engage with only those sites whose messages confirm and do not challenge their own views. Some people are receiving their news through this means alone—indeed the investigations into the 9/11 terrorist attacks were followed by 69% of Internet users (Tandoc & Johnson, 2016), and in the absence of more formal

disseminations of news, they had no means of verifying any of the information, even had it occurred to them to do so.

Young people are very comfortable with social media in its various forms and capitalise on its ability to be a record of their own activities and a disseminator of popular news and opinion. It can only be accessed through connection to screen-based communication, either a smart phone, a tablet, a laptop or fixed computer. In Australia, the penetration of mobile phone usage is 90% for the 18–34 age group (ABS, 2010; Australian Communications and Media Authority, 2015). The smart phone or hand-held device is the device of choice for most people within this 18–34 age group (Thomée, Härenstam, & Hagberg, 2011).

This is also the age group most likely to use their devices to read fear-inducing stories from the public media and forward them to people in their contact list, and to receive the same in return. This has the potential to exaggerate the news through repetition, making these people more vulnerable to worry and concern about the world.

Hundreds of thousands of people read fictitious stories on Facebook before the US election of 2106, which precipitated a series of anonymous and vicious responses that were re-posted and read by more people (Tovey, 2016). So great was the proliferation of false ‘stories’ that Facebook, Google and Twitter decided to alter their policies to combat online bullying and inaccuracies (Tovey, 2016). Many of the stories were reprinted by journalists who had located them on their own social media sources (Tovey, 2016). A deep penetration of social media—which is the first source of news for a large number of individuals, especially young people—authored by journalists who do not have the time or resources to verify items betokens a very worrying future for a world in which the voice of the people, one side of the Triangle of Power, is becoming more powerful.

An ordinary member of the Legislature is powerless to prevent this, unless they have the particularly elusive quality of leadership, recalled by Pratt (2008). Indeed, so rapid can be the explosion of fear-induced turmoil that politicians at every level can only ever be keeping up with their perceptions of public opinion (Chiricos et al., 1997; Stewart & Kowaltzke, 2008). The community now has a robust voice that makes it an influential participant in the Triangle of Power, in contrast to the social *milieux* of both Durkheim and Merton.

Social media is an influential factor in disseminating much fear and anxiety in communities. It links innumerable disparate groups and spreads among them information that is unedited and sometimes incorrect, building on a base of unease and fear. Each of the recipients has been affected by one or more of the unsettling events over the decade since 9/11, or knows of someone who has been affected. The unmeasurable emotional component of a community mindset is part of the foundation for the feeling of insecurity and it can only be exacerbated by circulation of often unfounded 'news' through social media.

### **The Fear of Local Crime**

The ubiquity of modern media allows people to access news reports from all over the world. The public fascination with crime provides a ready audience for any such reports (Dowler, 2003), with little or no distinction made between those in their neighbourhood, their city or even their country—the consequence of which is the general sensation of being inundated by crime.

Some people do not distinguish between categories of crime, seeing all offending behaviour as having equal weight. For example they consider 'aggravated assault' to be no different to 'petty theft' and thus that there should be no difference in the corresponding punishment (Cere et al., 2014; Roberts & Indermaur, 2007; Tubex et al., 2015). Sometimes media reports mislead and contribute to the general unease and fear of crime. In media reports, a wider range of terminologies is used, such as 'brutal assault', 'cowardly attack' and 'left for dead', which leaves the reader conflating offences and terminologies, and believing that as all violent crime rates are increasing they are not safe in their city.

A more difficult situation for the consumers of media is the multiple reports built around a single offence, through newspapers, television, radio, social media and online platforms. This leads to the false impression that crime in all its forms is increasing. In WA, if a story is deemed to be serious or shocking, it will be featured in the print media, the radio and television news and across a number of online news sites and forums. *The West Australian*, for example, will carry an initial article about the offence, using large headlines and at least one image. They may also include other articles across several pages featuring other aspects of the issue: for example, an interview with a witness, a side article about a similar offence from the past or a series of articles about the same type of victim. In each, there will be a re-statement of the

initial crime. In the electronic and online media, similar attention may be paid to a single crime, leaving some readers with the impression that they are surrounded by crime and have reason to be fearful or angry. This perspective is similar to that of other Western communities, where people feel they are living in violent societies poorly protected by police and badly served by a lenient judiciary (Pratt & Clark, 2005). This perspective gives rise to the phenomenon of penal populism where populations call for 'zero tolerance' of even minor offences (Gelb, 2012; Loader, 2006; Pratt, 2008; Roberts & Indermaur, 2007; Tubex et al., 2015). When communities experience a high level of disquiet, they prevail upon their elected representatives to address it; in this case with harsher punishments and longer prison sentences. This is the outward sign of an increase in punitiveness, an attempt to re-assert control over one aspect of life to shore up illusions of safety and security.

### **The Terrorist Attacks in the Western World**

The attacks of 9/11 became the point of reference for international unease. This was an event of such import that people remember where they were when it happened; it became the backdrop against which all subsequent local or international events were played, and which infused them with its menace. Since that event, there has been a number of mass shootings in all parts of the world, particularly in the US; and a multitude of terrorist attacks both in the Middle East and in other regions of the world, all of which serve to undermine security and to remind people that they can no longer depend on their safety, causing them to feel besieged and overwhelmed (Hawdon & Ryan, 2011).

Australians are well known as international travellers who spend lengths of time in a number of foreign destinations due to the great distance of anywhere from Australia. The almost daily news stories of terrorist attacks in Middle Eastern countries have effectively removed those countries from travel itineraries, but the random and deadly attacks on large groups of people in other nations have also influenced the travel plans of many people. Long-held travel dreams are abandoned, thus keeping the feeling of insecurity and lack of personal safety at the forefront of the minds of many people, and reinforcing the slide into uncertainty.

One target for disdain is the arrival of asylum seekers in boats. The majority of the refugees are Muslims, the same religion professed by the 9/11 perpetrators, and against which it is easy to marshal opposition. These individuals constitute a

recognisable body of people, and in keeping with the attitude propagated by a succession of PMs—from the Right Hons John Howard to Kevin Rudd, Julia Gillard, Tony Abbott and Malcolm Turnbull—the media, true to their Durkheimian role of gatekeeper, keep the arrivals of the boats of refugees in the public eye. The Abbott Government enforced the legislation that had been created by PM John Howard around the time of the Tampa incident and the Children Overboard, and prevented the reporting of the arrival of any boat to convince the community that they had prevailed upon the smugglers of asylum seekers to cease their activities. Although this was unable to be verified, it created a sense of relief for some people who wanted a strong reliable government, and suspicion and mistrust for others because government processes were becoming less transparent.

Naturally this maintained high levels of tension, reinforcing the public sense of unease. In reality, the numbers of people who arrive in Australia by boat are small compared to the numbers of illegal immigrants who arrive through the airports every year, and the number of asylum seekers who approach other Western nations (Refugee Council of Australia, 2016). Nevertheless, they are targets of negative or unfavourable attention for people who are feeling insecure.

When people are in a heightened state of alertness, and jaded from a surfeit of human-induced disasters, natural events such as tsunamis, earthquakes, bushfires and floods contribute to the fatigue. Each report of every event adds to the growing sense of disquiet in the community and reinforces their feeling that that they are losing control of their lives.

### **The Erratic and Divisive Nature of Australian Federal Politics from 2007 to the Present**

After the federal election of 2007, the long-serving Liberal National Coalition government under PM John Howard was replaced by the Australian Labor Party government led by PM Kevin Rudd. In a stable democracy such as Australia, a change in the governing party is not unexpected from time to time. What is unexpected is a change of a sitting PM, but this occurred in 2010 when Mr Rudd's deputy, Julia Gillard, and a group of supporters forced Mr Rudd from office. As PM, Gillard won a subsequent election with the support of some Independents, and managed to pass more than 500 hundred pieces of legislation during her term of office. Nevertheless, Mr Rudd challenged and defeated her for the leadership in 2013, and became the PM

again. He lost the federal election in the same year to the Liberal National Coalition led by Tony Abbott. Mr Abbott retained the leadership for only two years until he was defeated in 2013, by an internal challenge from then Minister for Communications, Malcolm Turnbull, who became the PM. The election in 2016 was far from decisive and PM Malcolm Turnbull won with a one seat majority in the House of Representatives and with the negotiated support of several Independents and Minor parties in the Senate. Australia, a most stable democracy, had never seen such capricious and narcissistic behaviour from its leaders.

This period was one of the most divisive and erratic periods of Australia's history; but it will also be remembered as the period that signposted the discontent that pushed the electors to a previously unheard of level of rebellion against both of the major political parties that had alternately governed Australia for 67 years. The state of unease in Australia had been exacerbated somewhat by the regular and unending reports of terrorist attacks all over the world. It was accentuated by the negative attitudes of the media and both major political parties, directed towards each other, and towards members of their own parties.

### **The Disenchantment with the Established Political Processes**

Internationally, Western liberal democracies appear to be in a state of flux with citizens expressing their dissatisfaction with their leaders by supporting a variety of figures who seem to be 'anti-politicians'; those who have risen to prominence due to public dissatisfaction with the established politicians of the Left and Right. Such individuals are outside the traditional right- and left-wing parties: examples include Marine Le Pen (France, extreme Right) and Geert Wilders (the Netherlands, extreme Right), who run anti-immigration platforms; Alexander van der Bellen (Austria, far Left) who stands on a Green platform; and Dr Guðni Johannesson (Iceland, non-partisan), who is antiestablishment. In the US in recent years, people who want to restrict immigration have attracted large amounts of popular support: for example, the former governor of Alaska, Sarah Palin (USA, extreme Right); the Tea Party (USA, extreme Right), which had a rallying point of small government and lower taxation; and Donald Trump (USA, extreme Right) who became the Republican President after the 2016 US election, running on a platform of exclusion of immigrants based on race and religion. In New Zealand, similar disenchantment and distrust were also becoming apparent (Pratt & Clark, 2005). It seemed that the centre was being 'hollowed-out' and the voters preferred candidates from outside the political Left or Right.

A side note is that the slogan that President Trump used for his campaign “Make America Great Again” was the same slogan used by the 40th US president, Ronald Reagan, in an election campaign speech of July 14th, 1980 (White House, n.d.). He asserted that he wanted to “Make America Great Again” to restore “the great, confident roar of American progress and growth and optimism” (White House, n.d.). His was a positive, rallying cry in stark contrast to the inwardly focussed, overwhelming negativity of the Trump message that appealed to an electorate thoroughly fed up with mainstream politicians.

In Western liberal democracies where people have the right to vote for their governments, extreme candidates have attracted the worried and disenfranchised voters who believe they have been marginalised by the political process and are losing control over their lives. The extent of this can be seen in the electoral success of such candidates. This had its denouement in the election of Donald Trump as US President, when he was able to appeal to the disgruntled and worried electors who believed that previous governments had robbed them of their control of their own lives, and wished for a return to another era.

In Australia, several politicians have risen to power by rallying the support of malcontents who felt disenfranchised by their elected representatives. Two examples are Ms Pauline Hanson in 1996 and 2016, and Mr Clive Palmer in 2013. The popularity of both newcomers, whose previous experience had been in business, was due to their appeal to voters who felt they were being disregarded by the existing field of ‘professional politicians’ (Mason, 2010). Ms Hanson spoke to the hearts of this group of people and took up their complaints about an apparent over-generosity towards other people in the community (Parliament of Australia, 1996, p. 3861, Record of Proceedings, House of Representatives, Maiden Speech, September 10th). Mr Palmer also appealed to worried voters who felt ignored by the Legislature. Their electoral successes were due to their mobilising the votes of people who thought they had been overlooked by the mainstream leaders and that a vote for these candidates was one way of re-claiming control.

The elections of Ms Hanson and Mr Palmer did more than simply provide parliamentary representation for disenfranchised people; it provided a rallying point for disgruntled individuals who were unhappy about many aspects of their lives; and it legitimised their dissatisfaction. As with the other examples cited above, the voters would possibly not have turned to these candidates had they believed the mainstream

parties were listening to their demands, and had they not been experiencing insecurity and worry leading to a slide into Anomie.

Voter satisfaction was low in 2016 in Australia: Australians had become 'sick of politics' (Cameron & McAllister, 2016). Researchers at the Australian National University have conducted surveys of public satisfaction with democratic processes after every federal election since 1987; the most recent was based on interviews with 2,818 people, three months after the July 2016 election (Cameron & McAllister, 2016). Australians have been among the most satisfied in the world with our democracy; however, public attitudes are now at their lowest levels in 12 iterations since 1987: 40% are now dissatisfied with democracy; 52% believe that politicians are 'out of touch' with ordinary people; and only 26% have trust in government. The Minor parties and the Independents appeal to disaffected members of the electorate, who must, by law, cast a vote in Australian elections (Cameron & McAllister, 2016).

This chapter outlined several significant differences in the social structures between the days of Durkheim and Merton and the modern era in Australia. It described the way in which each in the early twenty-first century has cumulatively added to the degree of instability in the community and contributed to the increase in insecurity among many groups. It also explained the way in which each added to the growth in the power of the public voice. The chapter also charted the private, informal methods of dissemination of information: the instant communication, known as social media, that is neither edited nor censored, but which further spreads uncertainty in the community, fuelling the public attitude.

The final chapter reviews the Case Study and draws together a range of pressures that have created social circumstances in which communities feel themselves to be losing control over their lives, which has led to the increase in punitiveness. This is one indicator of Anomie.



## **Chapter 10: Anomie? *Oui, Mon Ami***

This chapter draws together all of the threads of my argument and concludes by asserting that in the early twenty-first century we are indeed in a state of Anomie. The evidence from the study of the media and the Legislature showed that an increase in punitiveness as determined by the predictors of punitiveness. I confirm that punitiveness is a characteristic of the range of behaviours classified by Merton to explain the behaviours of communities in times of upheaval and uncertainty: Anomie. The chapter also includes a review of the methods of sociological enquiry established during the Enlightenment and used in the days of Durkheim and Merton, and shows that they are inadequate for a study of modern life with all of its complexities.

### **Conclusion**

It was contended in this thesis that the attacks of 9/11 intensified the general unease of communities, increasing their preparedness to hear and repeat bad news and frightening events, eroding the foundations of their forbearance and forcing them to become more punitive than they had been. It was a benchmark moment in time and became the starting point for an investigation into punitiveness. I chose WA, where I live as I had a hunch that the community appeared to have become more punitive.

Recorded crime has declined, but media reports of crime have increased. I perceived that the language of the reports was more graphic and less tolerant. This increase could signal that the media had an agenda to draw attention to crime, or that the media was responding to public demand for news updates. At the same time, I noticed that the Legislature was creating additional laws for specific aspects of criminal behaviour that had already been covered by existing laws. The conundrum is whether this was a consequence of pressure from the media or the public, or whether the media attention was a consequence of legislative changes. It appeared that each of these three elements was able to exert pressure on the other two—but not in a hierarchical fashion—to bring about changes to laws, changes in community attitudes and changes to media practices. I called this the Triangle of Power. To demonstrate an increase in punitiveness in WA, I created a case study of the elements of the Triangle with accessible records: the media archives and the Hansard transcripts of the Legislature over a period. The starting point was 2001, the year of the 9/11 attacks on New York, and the case study concluded a decade later, in 2011.

Looking towards the future, Western communities in general and Western Australians in particular are increasingly wary. They face uncertainties touching many areas of their lives, with each layer compounding the effect of the other. Added to this is the strength of the public voice and its influence in the process of governance. It has more avenues of expression and carries greater weight in the modern era than ever was possible in either Durkheim's time or that of Merton's. Politicians and corporations have shifted their perspectives such that their policies and practices directly relate to public opinions rather than to their own perception of the 'good of the community'. This chapter presents a range of social factors specific to the modern era and to which we have become inured, but whose impacts are real, although not quantifiable. Our actions and reactions are influenced by these events and circumstances. In poetic terms, it can be said that the existence of green striped wall paper may not prevent us from doing what we want in the room, but it will certainly influence our mood.

When people hear about disasters and tragedies they are saddened and horrified; when they read or watch a single report of criminal activity they may be shocked or disgusted, but they would rarely be moved to change their behaviours or reassess their views. However, when there are many reports every day in the media of all crimes whether minor or serious, people become worried for their safety, fearing themselves to be under siege. This can bring about a change in their overall attitude, which prompts them to exert pressure on their governments.

It would be reasonable to expect the increasingly popular crime shows on television would protect viewers against the effects of the concern, due to their display of the worst aspects of human behaviour, albeit fictional. However, there is a link between their burgeoning popularity and the heightened fear of crime (Welsh, Fleming, & Dowler, 2011). The crime dramas of real life and television or cinema share some features: the commission of an often gruesome crime and the struggles of a crime-solving protagonist. However, there are differences, one of which is the solution rate: the crime drama always has a solution, neatly concluding the story, no matter how bloody or fanciful the murder. A real-life crime may or may not be resolved, but in every case the memory of it will last for longer than the duration of any television show (Welsh et al., 2011). In the minds of the viewers, some elements for each may unconsciously inform the others—with aspects of the television crime fuelling fears of real-life crime and the worst elements of real-life crime meshing with vivid mental images or memories of a television program (Welsh et al., 2011).

Under normal circumstances, the collective attitude of the community will shift in a manner similar to that of an individual when exposed repeatedly to the same media reports on any matter. In the natural course of events in a person's life, alarming news can be passively absorbed or actively debated. Discussions canvassing differing or opposing opinions around the dinner table or the classroom or the office can alter participants' perceptions of the 'attributes' of a situation and bring about a change in attitude (Ajzen & Fishbein, 1977). In matters relating to fear, however, such discussions rarely reduce it; each contribution adds another layer of 'confirmation' of the story, heightening the fear and places the participants into an emotional state of separation or isolation (Brunn, 2006). In recent times, the discussion finds its way into the media and thereafter to the Legislature where politicians, thinking of their futures, may act upon it.

There is a view that punitiveness has a natural endpoint and that the prevailing mood of a populace will naturally swing back to a level of equanimity, like a pendulum (Pratt, 2008). Pratt claimed that strong political guidance moderates the public discussion about the 'legitimacy' of high levels of imprisonment (Pratt, 2008). It has been shown in this thesis that strong government leadership may change the course of public opinion. Pratt discussed a correlation between robust leadership and public debate leading to shifts in the public mindset. In many democratic nations, however, penal populism left unchecked leads to a self-propagating reaction of increased fear of crime. Democratically elected political leaders appear to be reactive rather than proactive, with only a small likelihood that political intervention might lead the public and guide the trajectory of their attitude.

This appears to be the state of affairs of the early twenty-first century in WA, WA and to some extent across the Western democratic world. The noticeable differences between the power of the governments in the eras of Durkheim and Merton and the modern era are not solely due to the quality of the leadership of the WA or any government. There is a range of other significant social factors, unimagined and unforeseeable by either one that cannot be attributed to any political leader. When people worry about their security, they do so aloud and to as many listeners as possible because the voice of the public plays a large part in public life; they are not able to be ignored.

The attacks of 9/11 led to some people questioning all that they had taken for granted, not only their tolerance of religious and ethnic diversity, but the fundamental

underpinnings of the security of their lives—that they would be safe in their own homes, in their own workplaces, going about their own businesses. Although they were not actively participating in any war, many people recognised their liberal Western ethos had an enemy with whom they were unfamiliar and against whom they were defenceless, an enemy who could reach across their borders without warning, and harm them. While all subsequent crimes and attacks have not had the impact of 9/11, they have added to the alarm generated by the 9/11 attacks.

In the early twenty-first century, some members of the general public feel themselves to be losing control of some aspects of their lives, as various factors emerged. There follows discussion of a small sample of issues influencing the lives of ordinary citizens. The cumulative effect of these incidents increases pressure on daily lives and brings about reactions that indicate we are in a state of Anomie.

A case study of the records of the media and the Legislature in WA and in Victoria from 2001 and 2011 was created to ascertain whether there was an increase in punitiveness which is a symptom of Anomie as described by Durkheim and Merton. The analysis of the case study established four themes, Crime, Community mood, Interest, and Victims. The results were viewed against the backdrop of events which brought about an accumulation of pressures on people in Australia over the decade, and a sample of changes to the social structure in Western liberal democracies.

### **Findings of the Case Study: WA 2001/2011 and Victoria 2001/2011**

The three case study questions were:

- a): Is there a difference in the language of the randomly generated sample of media reports and the legislative proceedings between 2001 and 2011?
- b): Are community attitudes to crime and punishment in 2001 in WA different to those in 2011?
- c): Does a similar pattern in community attitudes exist in one other Australian city, Victoria?

The results were measured against five predictors of punitiveness adopted for this research:

- 1. perceptions of crime levels
- 2. public opinion about authority figures
- 3. worry about crime
- 4. willingness to accept alternatives to imprisonment

5. change in the use of language.

### **Attitudes to crime and punishment WA and Victoria**

A sample of media articles from each month in both cities in both years that included the words ‘crime’ and ‘punishment’ was examined and coded and grouped into four themes: Crime, Community mood, Interest, and Victims.

Within Theme 1, ‘Crime’, there was an increase in the reporting of two types of crime in both cities: Public sector misconduct and Offence against the person. Both areas generate disquiet and worry for different reasons. When authority figures have been found to be behaving illegally or corruptly, the community feels unprotected and vulnerable. Further, they begin to doubt integrity of other public figures, including judicial figures who pass sentence on convicted criminals, all of which affects trust. The mistrust of authority figures and challenges to their decisions corresponds to Predictors 2 and 3. When people read or hear more reports of violent crime (Offence against the person), they feel more vulnerable or more worried, whether the report is a repeat of an earlier one or whether it is a report of a new event. The increase in these two aspects of crime feed into Predictors 1 and 3.

Theme 2, ‘Community mood’, identified two main areas of concern, which were the building of community concern and matters that affected human interest; and the police presence reported at every crime scene. Over the decade of the research, the increases in the mentions of crime in the media and in legislative proceedings served to keep thoughts of crime in the forefront of the community’s minds, and kindle their interest and affect their mood. Mention of the police in each report served to underscore the ‘seriousness’ or importance of each event, generating increased worry about safety and security. This also meshes with Predictors 1 and 3.

The three components of Theme 3, ‘Interest’, showed an increase in cost, sexual activity and research cited, in one of the cities. In Victoria a small increase in interest in the costs associated with crime was evident, whereas in WA, there were small increases in the interest in sexual activity and in the authoritative information coming from research. The relevance to this research can be found in the greater acceptance of references to sexual matters in the twenty-first century, which highlights the greater acceptance of public discussion about what was once seen as a purely private activity. This correlates to Predictor 5, regarding the use of language.

## **Language**

I found that there was greater use of graphic and colourful language by both the media and the Legislature in 2011 than had been the case in 2001 according to the classification devised for this research. There were more unveiled references to aspects of people's private lives, more unambiguous descriptions of criminal conduct and more open discussions, without euphemism, of official misconduct. Language use evolves to suit its era, and we are living in a world more tolerant of graphic and sometimes harsh language to catch our attention. This corresponds to Predictor 5.

The use of graphic or strong language was not confined to the media; members of the Legislature also choose the language that is most likely to ensure their words are reported on the nightly news. Despite their universally accepted code of behaviour that limits their choice of language, parliamentarians are easily able to use combinations of acceptable words that convey their meaning, but impart an explicitly sharp edge. They demonstrate that insult and affront can be conveyed with the judicious combination of innocent words. This change in the language corresponds with Predictor 5.

## **The Research Questions and the Predictors of Punitiveness**

### **RQ1: Is the WA community more punitive over the period of one decade?**

The case study has shown that the WA community, when measured against predictors of punitiveness, became more punitive over one decade. There was a large increase in mentions of public sector misconduct despite the absence of specific misbehaviour by any public official, which is an indicator of Predictor 1 (perceptions of crime levels), Predictor 2 (public opinion about authority figures) and Predictor 3 (worry about crime). Mentions of offence against the person increased, despite a decrease in the incidence of officially recorded crime, which is also an indicator of Predictor 1 (perceptions of crime levels) and Predictor 3 (worry about crime). There was an increase in mentions of community concern and human interest, and the presence of police, all of which are indicators of Predictor 1 (perceptions of crime levels) and Predictor 3 (worry about crime). The examination of the type and use of language over the decade in WA revealed that it had become more colourful and more graphic in both the media and the Legislature. This equates with Predictor 5 (change in the use of language).

## **RQ2: Is the Victoria community more punitive over the period of one decade?**

The case study has shown that the Victoria community, when measured against the predictors of punitiveness, became more punitive over one decade. There was a large increase in mentions of public sector misconduct due to reported misbehaviour by the Chief Commissioner of Police, which is an indicator of Predictor 1 (perceptions of crime levels), Predictor 2 (public opinion about authority figures) and Predictor 3 (worry about crime). Increases in mentions of offence against the person occurred, despite a decrease in the incidence of officially recorded crime, which is also an indicator of Predictor 1 (perceptions of crime levels) and Predictor 3 (worry about crime). Mentions also increased of community concern and human interest and the presence of police, all of which are indicators of Predictor 1 (perceptions of crime levels) and Predictor 3 (worry about crime). The examination of the type and use of language over the decade in Victoria revealed that it had become less restrained and more graphic in both the media and the Legislature. This equates with Predictor 5 (change in the use of language); therefore predictors of punitiveness in Victoria and WA are similar.

## **RQ3: Does the community mood conform to Merton's categories of Strain, thereby leading to a conclusion that in the early twenty-first century we are in a state of Anomie?**

Robert Merton established 5 categories to explain human behaviours when confronted by continuing uncomfortable and unsettling circumstances. He designated most people as Conformists who tried to adapt and modify their lives and habits to the changed environment. The rest of the population were classified as Rebels, Innovators, Retreatists and Ritualists. Two of these categories, are most associated with punitiveness. They are the Ritualists and the Retreatists. Ritualists doggedly hold to crumbling norms even more rigidly and react more severely when others misbehave; and Retreatists create their own safe environment through the use of drugs or alcohol, or they cling nostalgically to the ways of old and desire to punish those whose own reactions turn them into Rebels or Innovators (potential offenders). The shift in the community mood between 2001 and 2011 revealed a narrowing of the range of what is acceptable and an increase in enthusiasm for harsh punishment or prison as a first resort, which is the hallmark of a Ritualist. From this study, the data are inconclusive with respect to the rise of Retreatists.

When people so clearly fall into one of the five categories specifically devised by Robert Merton to explain the behaviour of people under Strain, they can be said to be in a state of Anomie. Therefore the conclusion is inescapable that we are in a state of Anomie.

### **The Accumulating Social Pressures**

From the year of the attacks on the twin towers in New York, there was an accumulation of additional factors that influenced the growing feelings of insecurity and the increasing vulnerability of the people of Australia, a sample of which I discussed in chapter 8. Immediately after the attacks, communities were feeling particularly exposed and although not every person would feel the impact of each there were sufficient events to touch everyone at least once. The events referenced in this thesis are the Tampa incident, Operation Relex, the Children Overboard, SIEV X, the War on Terror, the upheavals and chaos in the financial sector, the bombings in Bali, the bombings in London, the pattern of immigration in Australia, and finally the excessive use of the word 'terrorism'. Each of these in isolation is not influential enough to impact entire populations; however, coming immediately after 9/11 and happening in quick succession with barely enough time to recover from each previous incident, and being repeated *ad nauseam* in the media, they carry a great deal of collective weight.

Similar to the pressures on the Australian population, a number of major changes in the Western world, including the move from communal to individualistic societies; the increase in the movement of people all over the world, particularly those seeking refuge and asylum; the change to part-time or casual work replacing permanent full-time jobs to retirement; the advent of the 24-hour news cycle; the spread to near saturation point of private media in the form of social media, enabling instant and world-wide communications; the increase in the fear of local crime and the increased alarm about terrorist activities all over the world; the erratic and divisive nature of Australian politics and finally the chaotic and disconcerting political situation in the Western world. In isolation, each of these occurrences would present significant challenges to a community that would temporarily unsettle it; however, when their pressures are cumulative they are sufficient to force changes to the habits and practices of a community, by shifting its expectations and goals. This is a state of Anomie.



## **Supplementary Comments from the Stage 1 Study: WA and Victoria 2001/2011**

This study did not set out to compare the cities of WA and Victoria. Instead, the aim was to create a case study to identify whether there was an increase in punitiveness in WA over a 10-year period and then compare that increase to a possible increase in a comparable city, Victoria. Victoria was therefore used as a comparator for the WA findings, to verify that any changes were not isolated. However, I made some observations about WA and Victoria that may explain the differences between the communities of the two cities. Both are states within the same federation and with similar governmental structures, people relocate easily from one to the other; however, at the time of the research, one was the most punitive state in the country and the other the least punitive, according to arrest and imprisonment rates. The differences have no bearing on the findings of the case study, but identify the structural differences between the two communities and the consequent differences in the way they manage their existence in their changing worlds.

The attention paid by the Victorian Legislature in 2011 to matters pertaining to crime and punishment were greater (see Chapter 8) than the attention of the WA Legislature. Both parliaments have a winter recess for July and August, but the WA Legislature dealt with fewer pieces of legislation than the Victorian parliament. The reasons for this can only be speculated; smaller populations do not imply fewer laws, or fewer responsible discussions among legislators.

### **Reflective or philosophical articles**

The incidence of newspaper discussions about the matters or philosophies behind the news differed between the states. In Victoria, both the broadsheet and tabloid publication had lengthy thought-provoking articles debating matters of public interest, despite the elemental differences in the styles of each paper.

In 2001, of the 461 Victoria tabloid articles about crime and punishment that were studied, around a third were between 1 and 250 words in length; between a third and a half were between 251 and 500 words and nearly a quarter were over 500 words. Naturally the bulk of the articles were shorter than 500 words, but it is significant that nearly one-quarter were longer. In 2011, the figures changed slightly reducing the 1–250-word category to one-quarter, the 251–500-word category occupying one-half and the >500-word group almost one-quarter. There was increase in both of the larger article categories. In WA, this was quite different. In 2001, the 1–250-word category

and the 251–500 category made up between a half and two-thirds of all articles and the category with more than 500 words was only 15%. In 2011, the short category contained more than one-third of the articles, the middle category almost one-half and the longer category had even fewer articles, at 13.1%. My conclusion is that public discussions about matters of crime and punishment are treated differently in the Victoria tabloids to those of WA. The effects of this on public discussions and the formation of attitudes are unable to be measured, but it is reasonable to suggest that the impact on readers and the development of their views would be appreciable.

Many of the articles from the Victoria press related to social issues rather than criminal ones. There were long articles written by leading public figures such as the CEO of World Vision, Tim Costello, or former Victorian premier, Ted Baillieu, discussing many of the grim aspects of life regarded as triggers for criminal activity. Such articles generated discussion on the pages of the media outlet in subsequent days: for example, “Clubs are addicted to a jackpot they refuse to relinquish” (Costello, 2011, April 14) or “Forget myths, our PSOs will help reclaim the safety of stations” (Baillieu, 2011).

These articles and others of a similar nature encouraged an energetic response from readers in the opinion pages on subsequent days. Many of the subsequent comments or discussions through the Letters to the Editor, Your say or editorial comments were not included in this analysis because they did not contain the words ‘crime’ or ‘punishment’; however, discussions within them were enthusiastic and points of view were articulated politely. This is an indication of the community interest. Under normal circumstances and according to the explanations of tabloid and broadsheet as outlined previously, a tabloid would have no place for such an article. The complexity of the language and sentence structure, the intellectual content of the argument and the length of articles would all militate against their inclusion in the *Herald Sun*.

The context of a subject is similarly important as illustrated “Angry boys” (Phillips, 2011). The article focusses on the rise in youth crime in the UK and likens this modern day youth lawlessness to the “complete breakdown of civilised behaviour among children and young people” as described in William Golding’s *Lord of the flies* (1954). This is an article suitable for a Sunday publication when people have more time to read and reflect, because it is 1,942 words of challenging, shocking and stimulating writing. It is significant that it was published in a tabloid. As mentioned previously, an article of this nature and length would never appear in a tabloid under normal

circumstances; however, the editors clearly expect that some of the readership will engage with the material. This is a further example of the position in the 'middle ground' of journalism occupied by the *Herald Sun*, and is an indication of the preparedness of the average reader of this particular tabloid to engage with challenging, complex and educative articles.

### **Crime in context**

What is also manifested by the Phillips article mentioned above is that in Victoria, crime is apparently seen as a social issue and therefore a valid and worthy subject for discussion. The *Herald Sun* has, not unexpectedly, classified this article under the subject headings Crime, but also Society; and Families & family life. A holistic approach to crime such as this is more closely aligned with the defenders and proponents of social justice initiatives in the community, who are more likely to be readers of a broadsheet. If the tabloid and the broadsheet both view crime as part of the social fabric of modern society, they tend to publish articles about crime that reflect this view and that are located within a social milieu. The *West Australian* on the other hand reports crimes as singular events that seem to be perpetrated by groups of people with whom the readership appears to have nothing in common.

The WA tabloids, the *West Australian* and the *Sunday Times*, provide a limited forum for challenging and stimulating articles. The subject area of crime and punishment is not normally the basis for long thought-provoking articles designed to challenge preconceived notions or to present novel alternatives for a failing justice system.

### **Different publication, different classification of subject**

As discussed above, news media editors classify stories and articles and reports according to the most appropriate subject, so that when the search for 'crime' or 'punishment' was made, not only did it throw up all articles that included either word, but also those that had been classified as 'crime' or 'punishment' but did not contain either term in the text. If both of the newspapers in the same city were to classify events or stories under different headings to those employed in the other city, an incorrect or flawed conclusion may be drawn after comparisons of the reports between each city. A noteworthy instance of this is the difference between the WA and Victoria papers in how they classified the attacks on the World Trade Centre and the Pentagon on September 11th, 2001.

The articles from the newspapers in both cities, collected for this thesis using the search terms ‘crime’ and ‘punishment’, revealed few articles about the attacks because they were classified in a different category, namely ‘Terror, terrorism, terrorist’ and they rarely contained words about ‘crime’ or ‘punishment’. For all of the days in September 2001 after the attacks, there were no newspaper articles in WA about international crime, whereas there were 48 about the terror attacks and their impacts on every aspect of our lives. On the surface, it appeared that more articles were published in Victoria about ‘crime’ and ‘punishment’ than in WA, simply because the international crime articles (those that were terrorist related) were not counted in the WA collection. For months after the terror attacks (September–December 2001), this was also evident and the analysis of the articles and the comparison between WA and Victoria appear to reveal an imbalance. Under the editorial classification of ‘Terror’, the WA papers carried many articles about the attacks, including their effect on television programming, travel and even video games. There were many articles about people who were there; people who were supposed to be there, but by a miracle had changed their plans; the search for the perpetrators; the existence of God; the inevitable increase in aviation insurance premiums; the creation of anti-terror customs officers; the real meaning of Islam; prophecies from Nostradamus. There was even a recycling of a speech from Winston Churchill. In all, there were almost 50 articles and all were written in language intended to produce an emotional reaction of some type.

### **The existence of human rights legislation**

Another reason for including Victoria to provide context for the findings from WA is its legislation to protect human rights in the form of the *Charter of Human Rights and Responsibilities Act 2006* (Vic).<sup>17</sup> Through this mechanism, Victoria has provided more of the formal and legal structures for the support and rehabilitative care of offenders than are available in WA. This state of affairs, inspired by or arising from the forbearance and patience of Victorians, may decrease the triggers and impulses for offending, leading to a less punitive attitude among its citizens.

Victoria is also the only state in Australia to identify crime that has been precipitated by intense feelings of antagonism from the offender towards the victim: for example, the police use the term ‘PMC’ (Prejudice-motivated crime) when referring to

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<sup>17</sup> In 2006, Victoria became the first and only state in Australia to pass specific human rights legislation—the *Charter of Human Rights and Responsibilities Act 2006* (Vic); the Australian Capital Territory also has human rights legislation, the *Human Rights Act 2004* (ACT) (French, 2012).

crime that falls within the category popularly referred to as 'hate crime' (Wickes, Pickering, Mason, Maher, & McCulloch, 2016). Although this does not have much to do with punitiveness, it does confirm that Victoria Police is required to make judgements about appropriate charges using a nuanced approach, taking human rights obligations into account.

### **Limitations of This Study**

The use of an image in a newspaper article has a direct relationship to the importance of the article as determined by the sub-editor. The search through Factiva and ProQuest uncovered at least one record of the use of an image, chart or map in articles from each of the *Herald Sun*, the *Sunday Herald Sun* and the *Sunday Times*. However, no record was found for the use of an image in the articles sampled from the *West Australian*, so it was impossible to analyse and comment on this element. Due to the number of reports found, a visit to the newspaper archives in the Battye Library, within the State Library, WA, would be necessary to view print or microfiche copies of the 677 publications and complete this type of analysis. For the purpose of this research, the discussion about the use of an image was not included.

### **Internal classifications**

The classification of news items by editors therefore had a significant influence on the results of the search for this research. When the sub-editor decides that a matter is an offence of some type, but not necessarily a criminal offence, then the words 'criminal' or 'crime' may not be included in the text. A case in point is the previously mentioned attacks of 9/11, covered extensively and exhaustively by all Western media. Surprisingly, considering its importance in world events, there were few articles about these attacks in the study sample of media articles used in this research. In WA, the search located only three articles between September 2001 and December 2001 classified as terrorist 'crimes' or international 'crimes'; in Victoria, there was one article. At first look, it appeared that they had been barely noticed, but after a closer inspection of the articles, and the dates outside the search criteria, there were indeed many articles about the attacks that did not include either of the search words, but in which the words 'atrocities', 'barbarous acts', 'acts of terrorism' or 'attacks' were used. I did not realise this until I had coded the entire sample of articles from both cities for both years. When I checked back, I saw that the articles that I had located through Proquest did not contain the editorial keywords, unlike the articles from Factiva, and

although I had not noted this omission, I could not have analysed all of the sample articles according to the key words because they were not there. The irony of this realisation was not lost on me, because 9/11 was the event that was the catalyst for the slide into Anomie.

On the surface, this is a limitation of the research because I did not include all of the articles relating to the terrorist attacks. However, the relevant articles were not included in the samples from each city and their omission from both sets of data did not influence the results of the analysis.

### **The Inadequacy of the Established Methods of Sociological Enquiry for explaining social phenomena**

In Chapter 2, I briefly discussed the benefits to social research of the Enlightenment. Although Durkheim and Merton lived in different eras and in different social and cultural *milieu*, there were similarities between the times in the expectations of a social scientist. As previously explained, scholarship and research conformed to the methods established during the Enlightenment. The theories that Durkheim and Merton developed arose through investigations over periods of time and were the products of systematic analyses of a finite number of variables (Merton, 1938; Thompson, 1985; Fitzgerald & Cox, 2002). Anomie and Strain describe the responses of people continually pushed beyond their habitual levels of anxiety and stress, causing them to adopt extreme attitudes that, in the case of matters relating to crime and punishment, equate to the desire for harsher and more punitive responses. They were able to draw conclusions from their observations due to the homogeneity and the subsequent predictability of their respective populations. However, the social pressures in the eras of Durkheim and Merton were very different from those of the modern era, and their research methods are no longer adequate to confirm the modern equivalent of Anomie and Strain.

Both theories pertain to the development and organisation of large organic societies, focussing on understanding the mechanisms of their evolution, as they are expressed through the culture and *mores* of each society. Both theories evolved in times of shifting social structures within dramatically changing societies, and both provide explanations for changes in collective human behaviour. Each theory explained what happens when the normal slow evolution of societies, expanding and developing in a gradual organic manner, is undermined, and when long-held values and beliefs are

challenged or overturned. Each observed the changes in human behaviours and developed theories to explain these changes. For each, the explanations were so self-evident that they could, by way of confirmation of theory, be applied retrospectively to explain persistent shifts in social structures in previous eras. Likewise, the theories can also be used as the basis to explain changes in social behaviours that can be seen in the early twenty-first century in Western liberal democracies, despite the differences in modern communities as outlined in Chapter 9.

The social structures of the early twenty-first century are infinitely more complex and varied than in the days of Durkheim and even Merton, and the consequent increase in the number of variables makes them impossible to replicate. Indeed, even the most fundamental form of social arrangement, the family, has changed beyond all recognition from the days of both Merton and Durkheim, as have the channels of communication. The social structures of the modern world are almost unrecognisable from those of the late nineteenth century and from the mid-twentieth century when Durkheim and Merton, respectively, conceived their theories. Therefore, the paradigm of positivism as espoused by August Comte in 1830 is no longer suitable.

#### **A final word....**

The Western world of the twenty-first century sees itself at the pinnacle in technological advancements and in the evolution of the democratic process. Instead of revelling in this progress, we seem to be more anxious. Instead of being more accommodating, we seem to be more judgemental. This attitude can be seen as the result of the many social changes that have occurred, combining to undermine the community's confidence and security.

The contemporary situation in WA and in Australia is an increase not in crime, but in the fear of crime. Much of the reporting of the crime of physical violence is accompanied by photographs of victims showing their injuries, creating distress for the viewer and building sympathy and empathy for the victims, emotions that appear to fuel the increase in punitiveness (Johnson, 2009). Consequently, people who worry about losing control of their lives are more reactive and less tolerant of aspects over which they do exercise some influence, demanding harsher penalties for offenders.

In the early twenty-first century in WA, we are in a state of Anomie, living through similar social upheavals and disorder (*dérangement*) in our society first described by Durkheim in 1893, and segmented by Merton's Strain theory (1938).

A state of Anomie may develop gradually, almost imperceptibly, with many contributing factors; or it may be precipitated by a single event that accelerates a deteriorating social mood and causes the state of normlessness to reach the point where attitudes and reactions seem no longer recognisable or characteristic. In the twenty-first century, there was indeed a single moment, a catalyst that hastened a noticeable downward slide, and this was the terrorist attacks in the US of September 11th, 2001.

This event precipitated a sense of disquiet and insecurity similar to those of the last decade of the nineteenth century in Europe, and after the Great Depression of the 1930s. Symptoms of the social dis-ease include a decrease in community and personal tolerance; an increase in the community's fear of crime; an increase in punitiveness and the use of measures such as public humiliation for offenders; and the reactive nature of the public, the media and the Legislature. In terms of the explanation of human behaviour, Durkheim and Merton's theories of Anomie and Strain continue to be valid.

The case study of media articles and legislative debates from both 2001 and 2011 revealed the issues with which the public of each time was engaged, and an examination of them provided a clear picture of the public mood, set in the aspic of the archives.

The case study identified an increase in punitiveness, and the appraisal of the current social milieu laid bare a number of factors that added to a high level of uncertainty and insecurity within the community in Australia in general and in WA in particular. The combination of these two elements established a connection between the social contexts of the late nineteenth century of Durkheim and the early twenty-first century.

One area in which the absence of tolerance or an increase in punitiveness was evident was in community attitudes to social order, in particular to crime and punishment; the sense of being 'under siege' leads to an amplified sense of insecurity that translated into an increased fear of crime. Fear of crime is quite separate to the actual incidence of crime. Fear is a pervasive emotion that can seep into people's thinking and influence every thought they have. Durkheim said that 'crime brings together upright consciences and concentrates them' (as cited in Hawdon & Ryan, 2011) and the fear of it intensifies this concentration. It can force people away from tolerance and compassion and towards the rigidity and inflexibility manifested through the calling for more severe punishments for every crime. Merton (1938) explained that



when there is a perceived lack of personal control over many aspects of life, some people cling rigidly to the small areas of their lives over which they do have control, one of them being their social attitudes. The result of this, as Durkheim had written years prior, is that some elements of the population seem to be more accepting of stricter punishments, and indeed, appear to be actively advocating for it.

A survey of international and local literature revealed a trend of less tolerance towards offending behaviour in the general community and of increased demands for tougher punishments (Velasquez & Lincoln, 2009). Both academic research and the *reportage* from popular media outlets have demonstrated this shift and confirmed that one of the motivations for the change in public opinion is related to an increase in fear of crime.

The assessment here of some events affecting Australians since 2001 and the social transformations within the Western world has led to the inevitable conclusion that communities are increasingly unsettled and fearful for their safety. They appear to have lost faith in the mechanisms of their societies. This is Anomie; the behaviours of people in an anomic state are classified in the Strain theory; punitiveness is a component of Strain. The results of the case study involving WA and Victoria, confirm we are indeed more punitive since the attacks on the World Trade Centre in 2001, and are exhibiting Strain. We are indeed in a state of Anomie.

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## Appendix 1 - Coding Manual

This coding manual was created after the detailed analyses of all of the articles relating to 'crime' or 'punishment' from both Victoria and WA from January 2001. All of the articles were examined and a record was made of the main themes which arose from them. Many of the articles fell into more than one theme.

### Guidelines for assigning codes

1. **Cause for Thought** – those matters which raise questions of an ethical or moral nature or which require further thinking, perhaps a connection to other matters or leading to a question. In some cases, the matters may lead to further public discussion or may indeed be the trigger for legislative changes. The subject matter which drew a code of 'cause for thought' was varied and included all aspects of life which were the subject of the reports.
2. **Community Concern** – those matters for the involvement of the entire community or sections of it when they are concerned with their well-being and safety. In some cases, the report represents the first step in an activity aiming to prevent a re-occurrence. This is also the term under which reports on the 'public interest' were classified. The term 'public interest' has often been used by media outlets themselves as a reason for pursuing the answers to some questions possibly deemed inappropriate or intrusive. Another aspect of this category was the wide range of matters which broadly fell under this umbrella but were not allocated a category of their own. For example, in 2001, articles involving corruption and misconduct, sexual attacks, government intervention or judicial proceedings or legislative consequences were allocated to this category, principally because the numbers of articles were few. However, when the 2011 articles were examined, it was discovered that there were many more articles in the 'public interest' relating to public sector misconduct and to matters of a sexual nature necessitating the creation of sub categories.
3. **Public Sector Misconduct** – this relates to public discussions of misconduct by public figures in the employment of the state. In modern times, misbehaviour by such figures is acknowledged in the media and is even the subject of Statutory bodies established to investigate such misbehaviour.
4. **Cost** – refers to the financial costs associated with the incident or event within the report. This classification is limited to the amounts of money in dollar terms which

were mentioned in the report. In some cases, an article is coded in this category without a reference to a specific amount of money, for example in '*Court orders Burke to face retrial*', in the *West Australian* of September 15<sup>th</sup> 2011, the subject of the article says: "The cost is horrendous and the burden on the family becomes intolerable." This clearly refers to an unspecified financial cost. The researcher has deliberately avoided the classification of other 'costs', for instance the social or emotional costs, which are mentioned throughout each relevant article. This is due to the subjectivity of this area and as it was impossible for the researcher to be in the same mood throughout the period of analysis, the issue of such 'costs' were limited to reportable aspects such as community concern and mentions of victims. It was reasoned that these two categories were able to be assessed in the same way at every sitting.

5. **Drug and/or Alcohol** – any reports of offences which mention either drugs or alcohol or both, whether the reported offender is under the influence or the crime is committed to supply the offender with either or the money to purchase them.
6. **Fear and Anxiety** – any matter which is able to produce fear or anxiety in the mind of the reader, through either being written in such a way using language deliberately designed to cause fear or causes fear simply due to its nature. Those issues which may recall past fears for individual readers are not categorised under this heading. This category is reserved for those articles in which highly emotive language is used and which is designed by the sub-editor to catch the attention of the reader and to create an instant emotional response. For example, when writing of matters relating to the two search terms 'crime ' and 'punishment', the crime can be reported in explicit detail using graphic descriptors and sensational language, such as the report of a vicious murder of a mother by her drug-affected son; or in such a way as to create fear and worry in the mind of the reader, such as a general report of armed robberies at ATMs; or both, for example, a reporting of a bashing of a pensioner can include the graphic details of the attack and resultant injuries as well as the vivid and explicit language warning older people that they are vulnerable and should be even more vigilant and suspicious.
7. **Human interest** – this relates to anything which would pique the public interest without necessarily causing fear or likely to stimulate concerted community reactions.
8. **Sexual activity** – this relates to anything of a sexual nature that was not a crime, but is nobody's business.

- 9. Offence against the person** – this includes any offence which involves the attacking of another person or has an effect upon a person. This category was included to cover all of the injuries or effects of a crime which had been listed or mentioned in the newspaper articles. It is a general omnibus term which includes a range of matters from theft to sexual assault.
- 10. Sexual Assault** – this is a specific element of Offence against the person and relates to sexual offences that were once referred to as ‘indecent assault’
- 11. Police Activity** – any report which mentions the police in any way. This includes members of State police services, members of the Australian Federal Police and even the security police who work on public transport. In some cases these individuals are privately employed, but essentially their function is to provide the same level of safety and security as the publicly employed members, so for the purposes of this research, they are counted at ‘police’.
- 12. Research cited** – any report in which reference is made to research or studies or any other lens through which to view the offence or to support any claims by any of the people mentioned in the report.
- 13. Robbery and/or Theft** – any reports which refer to robbery or theft or burglary or any offence against property. This category also includes offences of fraud or corporate theft.
- 14. Victims** – any report which implies or mentions the existence of a victim, either in passing or in detail. For this purposes of this research, the victim(s) is the people who is one the receiving end of the consequences of the action or event under report. In some cases, the victim feels the direct consequence, for example the person who has been attacked or the person who has been robbed. In other cases, it has been determined that the event or crime has had an indirect impact on a person, and this person has also been deemed a victim, for example, the family of the offender who defrauded a bank and will be jailed, will also feel the impact of the crime, by the imprisonment of their loved one.



## Language

It was also noted that the headlines fell into three main categories. A number were restrained in their language, others used more colloquial or ‘chatty’ language, while others utilised graphic or precise language which left the reader in no doubt as to the content of the article. These categories were chosen because they designated the clear differences between the character of their attached articles, much in the method chosen by Weight and Coyte in their analysis of sports headlines (2015). A further category of ‘salacious’, to describe the extreme language in one headline used by the Sunday Times in WA in 2011, was abandoned due to its infrequency.

The use of language in newspaper reporting is pivotal to the impact of the *reportage* on the reader. English language writers have a vast array of vocabulary at their disposal which they channel through their newspaper’s frame, thus effectively limiting themselves to the particular language and terminology of their publication. Their choice of words was spread across the three categories mentioned above and described below: Restrained, Colourful and Graphic.

- Restrained language

When the article is written in the measured and restrained tones of ordinary everyday use, it does not seek to influence the mindset of the reader in any way. This language reports the matter in a dispassionate manner using undemonstrative, controlled expressions and words which do not confer any emotional meaning. In this way report headlines are a foretaste of the main thrust of the article. This language allows for no misunderstanding or misinterpretation of the meaning of the headline and the article.

Occasionally, this style of language is used in situations when the events being reported are capable of creating an overwhelming surge of public emotion, in a way to conceal the true gravity or horror etc of the matter.

- Colourful language

The decision to categorise language as ‘colourful’ rested on such elements as the use of colloquial expressions, or less complex language in keeping with a lower reading age of the public, without condescension. The language used is that which is less formal and in everyday use and reports the matter in a manner suitable for all ages,

stating the facts of the situation, but without using emotive or contentious language. The language is sometimes a play on words or a commonly used expression or makes a reference to popular culture, for example “FBI cracks down on Miami’s vice” is a headline which accurately reflects the article content, but is written in such a way as to echo the name of an early television program called ‘Miami Vice’.

Sometimes sub-editors allow the use of slang terminology, because it expresses succinctly in one or two words, what would normally be expressed in a whole sentence, eg “*It’s far too easy for **cashed-up crims** to play the legal system*”. Immediately the reader understands from the use of the term ‘cashed-up’ the reference to a particular group of people who have sufficient funds to finance their legal defence and appeal, and who are in that category of accused which the readership has already judged to be guilty of an offence. It is also language which is designed to engage the reader’s attention.

On other occasions, the headline actively implies a particular meaning, whether that meaning is in the article or not. For example, the story about the Victorian Police industrial action was treated differently in each paper, with one newspaper actively implying a particular view. The headline in the *Age* on June 27<sup>th</sup> 2011, was: “*Crime data lost as police union pushes pay rise*” while the headline for the same story in the *Herald Sun* on June 27<sup>th</sup> 2011, was: “*Police refuse to provide crime stats*” which implies that the police are deliberately withholding information but there is no mention of the reason for it.

- Graphic language

This reports use emotive and extreme language which would inspire mental pictures in the mind of the reader, removing the ability of the reader to make calm and considered assessments of the material. Graphic language has been determined to be the language which paints so vivid a picture of the event that it allows for no other interpretation to be made. There can be no misunderstanding or misinterpretation of the meaning of the headline or the article. This type of language is usually found in shorter articles, because there is a limit to how many extreme words or superlative adjectives can be written and still retain the attention of the reader, beyond the first paragraph.

## **Length of article**

It was noted that there were essentially three types of articles based on their length:

- Less than 250 words

When the captured article is less than 250 words, it will simply state basic facts. It requires no constructive thought from the reader, and is generally pared back to the very basic mention of salient facts. It often is a repetition of the headline, and offers no additional material, from which people can make assessments or situate the crime into the social background. It requires no constructive thought from the reader.

- Between 250 and 1000 words

The article offers more background information, commentary from participants or experts, social context etc. This allows the reader to engage and think about the material, but there are limited facts.

- Greater than 1000 words

The article offers a point of view and canvasses views from those opposed. It establishes a contention and argues a case. It allows the reader the capacity to think about the content and engages critical thought and will often rely on complex sentence structure and language.

## Appendix 2

### Totals of Media statistics

			Articles	HS	Language	Word count
				W: ST		
January	2001	M	25	25	R x 3 C x 15 G x 7	1 x 6 2 x 14 3 x 5
		P	16	16:0	R x 5 C x 10 G x 1	1 x 5 2 x 11 3 x 0
	2011	M	10	19	R x 0 C x 12 G x 5 N/A 2	1 x 7 2 x 9 3 x 3
		P	34	16:0	R x 6 C x 20 G x 3 N/A 1	1 x 12 2 x 13 3 x 5
February	2001	M	58	58	R x 15 C x 32 G x 5 N/A 6	1 x 22 2 x 17 3 x 19
		P	37	37:0	R x 5 C x 26 G x 5 N/A 1	1 x 11 2 x 20 3 x 6
	2011	M	37	37	R x 1 C x 21 G x 12	1 x 11 2 x 19 3 x 7

					N/A 3	
		P	34	25:9	R x 14 C x 13 G x 6 N/A 1	1 x 13 2 x 17 3 x 4
March	2001	M	48	48	R x 16 C x 27 G x 5 N/A x 0	1 x 15 2 x 16 3 x 17
		P	30	30:0	R x 14 C x 15 G x 1 N/A x 0	1 x 4 2 x 20 3 x 6
	2011	M	27	27	R x 2 C x 12 G x 12 N/A 3	1 x 11 2 x 14 3 x 2
		P	29	24:5	R x 12 C x 11 G x 6 N/A	1 x 7 2 x 17 3 x 5
April	2001	M	22	22	R x 2 C x 9 G x 9 N/A x 2	1 x 12 2 x 8 3 x 2

		P	18	18:0	R x 3 C x 9 G x 6 N/A x 0	1 x 5 2 x 8 3 x 5
	2011	M	27	27	R x 6 C x 15 G x 5 N/A 1	1 x 10 2 x 8 3 x 9
		P	17	6:11	R x 3 C x 7 G x 7 N/A	1 x 9 2 x 6 3 x 2
May	2001	M	32	32	R x 11 C x 20 G x 1 N/A x 0	1 x 7 2 x 19 3 x 6
		P	18	18:0	R x 6 C x 11 G x 1 N/A x 0	1 x 4 2 x 10 3 x 4
	2011	M	17	17	R x 0 C x 8 G x 7 N/A x 2	1 x 1 2 x 13 3 x 3
		P	6	4:2	R x 2	1 x 1

					<div>C x 2</div> <div>G x 2</div> <div>N/A x 0</div>	<div>2 x 5</div> <div>3 x 0</div>
June	2001	M	64	64	<div>R x 24</div> <div>C x 32</div> <div>G x 7</div> <div>N/A x 1</div>	<div>1 x 17</div> <div>2 x 35</div> <div>3 x 12</div>
		P	36	36:0	<div>R x 10</div> <div>C x 25</div> <div>G x 1</div> <div>N/A o</div>	<div>1 x 11</div> <div>2 x 21</div> <div>3 x 4</div>
	2011	M	58	58	<div>R x 8</div> <div>C x 31</div> <div>G x 15</div> <div>N/A x4</div>	<div>1 x 12</div> <div>2 x30</div> <div>3 x 16</div>
		P	25	35:0	<div>R x 10</div> <div>C x 10</div> <div>G x 5</div> <div>N/A x</div>	<div>1 x 11</div> <div>2 x 8</div> <div>3 x 6</div>
July	2001	M	27	27	<div>R x 5</div> <div>C x 19</div> <div>G x 3</div> <div>N/A o</div>	<div>1 x 4</div> <div>2 x 10</div> <div>3 x 13</div>

		P	11	11:0	<div>R x 4</div> <div>C x 5</div> <div>G x 2</div> <div>N/A 0</div>	<div>1 x 1</div> <div>2 x 5</div> <div>3 x 5</div>
	2011	M	20	20	<div>R x 2</div> <div>C x 13</div> <div>G x 5</div> <div>N/A x 0</div>	<div>1 x 5</div> <div>2 x 8</div> <div>3 x 7</div>
		P	14	14:0	<div>R x 1</div> <div>C x 11</div> <div>G x 2</div> <div>N/A x 0</div>	<div>1 x 7</div> <div>2 x 4</div> <div>3 x 3</div>
August	2001	M	47	47	<div>R x 1</div> <div>C x 30</div> <div>G x 11</div> <div>N/A 5</div>	<div>1 x 19</div> <div>2 x 19</div> <div>3 x 9</div>
		P	47	47:0	<div>R x 7</div> <div>C x 23</div> <div>G x 17</div> <div>N/A 0</div>	<div>1 x 9</div> <div>2 x 29</div> <div>3 x 9</div>
	2011	M	33	33	<div>R x 2</div> <div>C x 19</div> <div>G x 8</div> <div>N/A x 4</div>	<div>1 x 8</div> <div>2 x 19</div> <div>3 x 10</div>



		P	14	7:7	<div>R x 2</div> <div>C x 9</div> <div>G x 3</div> <div>N/A x 0</div>	<div>1 x 3</div> <div>2 x 10</div> <div>3 x 1</div>
September	2001	M	31	31	<div>R x 8</div> <div>C x 16</div> <div>G x 7</div> <div>N/A o</div>	<div>1 x 9</div> <div>2 x 17</div> <div>3 x 5</div>
		P	57	52:5	<div>R x 10</div> <div>C x 38</div> <div>G x 9</div> <div>N/A o</div>	<div>1 x 16</div> <div>2 x 31</div> <div>3 x 10</div>
	2011	M	16	16	<div>R x 0</div> <div>C x 10</div> <div>G x 4</div> <div>N/A x 1</div>	<div>1 x 3</div> <div>2 x 11</div> <div>3 x 2</div>
		P	26	26:0	<div>R x 5</div> <div>C x 13</div> <div>G x 9</div> <div>N/A x 0</div>	<div>1 x 12</div> <div>2 x 12</div> <div>3 x 2</div>
October	2001	M	43	43	<div>R x 11</div> <div>C x 24</div> <div>G x 7</div> <div>N/A 1</div>	<div>1 x 20</div> <div>2 x 14</div> <div>3 x 9</div>

		P	63	57:6	<div>R x 18</div> <div>C x 32</div> <div>G x 13</div> <div>N/A o</div>	<div>1 x 22</div> <div>2 x 31</div> <div>3 x 10</div>
	2011	M	19	19	<div>R x 1</div> <div>C x 15</div> <div>G x 2</div> <div>N/A x 1</div>	<div>1 x 6</div> <div>2 x 8</div> <div>3 x 5</div>
		P	23	12:16	<div>R x 0</div> <div>C x 18</div> <div>G x 10</div> <div>N/A x o</div>	<div>1 x 9</div> <div>2 x 13</div> <div>3 x 1</div>
November	2001	M	10	10	<div>R x 2</div> <div>C x 5</div> <div>G x 3</div> <div>N/A o</div>	<div>1 x 4</div> <div>2 x 5</div> <div>3 x 1</div>
		P	23	23:0	<div>R x 2</div> <div>C x 13</div> <div>G x 8</div> <div>N/A o</div>	<div>1 x 7</div> <div>2 x 14</div> <div>3 x 2</div>
	2011	M	10	10	<div>R x 0</div> <div>C x 5</div> <div>G x 5</div> <div>N/A x o</div>	<div>1 x 4</div> <div>2 x 5</div> <div>3 x 1</div>
		P	7	7:0	<div>R x 2</div> <div>C x 5</div> <div>G x 0</div>	<div>1 x 2</div> <div>2 x 4</div> <div>3 x 1</div>

					N/A x 0	
December	2001	M	54	54	R x 12 C x 20 G x 9 N/A 13	1 x 15 2 x 23 3 x 16
		P	80	75:5	R x 13 C x 44 G x 22 N/A 1	1 x 25 2 x 46 3 x 9
	2011	M	30	30	R x 1 C x 24 G x 5 N/A x 0	1 x 4 2 x 17 3 x 9
		P	21	17:5	R x 6 C x 14 G x 8 N/A x 0	1 x 8 2 x 10 3 x 3