

**Reading between the Lines.**  
***English Newspaper Representations of Community Punishment***

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**Abstract**

*This paper presents the findings of a sample of 2,000 articles published in English newspapers about community punishment between 2003 and 2011. The data suggest that challenges to the legitimacy of community sanctions in English media, whilst occasionally vociferous and vitriolic, are as much linguistic as political in nature, rooted in a tendency to dismiss non-custodial sentences as inherently inferior to incarceration, and to overstate the severity and frequency of crime. This should influence penologists' and penal reformers' attempts to improve popular support for non-custodial sanctions.*

**Keywords:** Community sanctions and measures - media attitudes to crime and punishment - qualitative research – punitiveness - legitimacy.

**Introduction**

Despite sustained academic interest in the relationship between media and crime (Jewkes 2011), policing (Boda and Szabó 2011) and certain aspects of sentencing (e.g. Greer and Reiner 2012: 251-255), media attitudes towards community punishment have been less frequently studied. Given, however, that those attitudes have at least the potential to be influential within the sphere of public discourse and to therefore impact upon penal politics (Lacey 2008: 183-184; Garland 2001: 146, 157-158), it is vital to understand this interface if community punishment is to be used effectively in a democratic society.

This piece therefore presents an exploratory study into news media attitudes towards community punishment in England and Wales.<sup>1</sup> It begins with an examination of existing literature around the relationship between (news) media, crime, and criminal justice, before discussing a study of English newspaper articles about community punishment. Firstly, however, it is worth clarifying the precise meaning of the terms of this enquiry, 'community punishment' and 'news media'.

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‘Community punishment’ is a label for a class of English sanctions. They are characterised by their taking place after criminal conviction, being situated outside of prison, and involving a measure of direct oversight of the offender by State representatives (*cf.* Mair 2007). This term is therefore narrower than the common European label, ‘community sanctions and measures’, since it excludes similar dispositions that take place after a sentence has concluded, or prior to conviction (Council of Europe 1992: 11).

‘News media’ is a category of mass media, that is, of channels for the conveyance of information between large groups of individuals. It is distinct from ‘entertainment media’ in that its essential purpose is not to divert and amuse consumers, but to inform and educate them. Although the two media can fulfil both functions, their *primary* purposes are distinct.

It would be wrong to allege that entertainment media cannot influence public perceptions, political processes or social institutions; clearly, they can, and do (*e.g.* Carter 2007). However, the two forms of media describe their subjects in qualitatively different ways. A soap opera might portray offender supervision, for instance, but one would expect it to do so in a dissimilar way to a newspaper article, not least because of the ability to present the narrative audio-visually and through fictitious illustration rather than factual reporting (*cf.* McLuhan 1964). The two categories ought therefore to be examined separately, and this study will accordingly restrict itself to news media alone.

## **1. Newspaper (and News Media) Attitudes and Community Punishment**

Academic literature identifies three broad concerns that are relevant to the present enquiry: the impact of sensational crime reporting on coverage of punishment; the perpetuation of a legitimacy crisis in community sentencing; and the role that media play in maintaining a prison-centred vision of the penal system in the public imagination. Each of these issues will be examined below.

### **1.1 Sensationalism: Morality and Drama**

Whilst the purpose of news media as an institution is to inform the general public, newspapers, as private enterprises, also have another fundamental objective: to make money. In a context of ever-increasing competition between news sources, particularly given the advent of cheap internet and television access, news media face a funding crisis that requires them, *inter alia*, to seek particularly attention-grabbing news in order to maximise sales (Franklin 2008). As a result, only very specific narratives about crime tend to be published. Crime is represented as being both more serious (that is, violent, random, and victimising those culturally viewed as weak and innocent, especially young white girls: Jewkes 2011: 45-64), and more frequent than crime data show (Greer and Reiner 2012: 250).

Sensationalist misrepresentation of crime is successful as a business practice because it allows news media to provide *moral guidance* and stories involving *human drama* (Wardle 2008: 146-148), both of which encourage readers to believe that the newspaper provides a valuable service, and is therefore worth buying.

As moral custodians, news media cast themselves as defenders of public norms about socio-moral deviance by casting stories about crime in explicit moral terms, and signposting how readers should respond to those crimes as moral actors. As a result, the medium is perceived to be socially valuable to its readers, providing what they feel they need to know in order to comprehend social phenomena such as crime.

The human drama function of crime news is principally one of readership interest. Empirically, it appears that news consumers are more interested in *crimes*, as discrete conflicts between two or more individuals, than they are in *crime* as an aggregate social phenomenon (Feilzer 2007: 300). Crimes are interesting in a way that crime is not – they involve easily relatable human drama, which can be cast in (overly) simple moral terms at the individual level (Wardle 2008: 147-148). By contrast crime is all too often perceived to be a dull coagulation of statistics and abstract theory that can be difficult for laypersons to relate to. Even when presented in a more accessible manner, crime facts are less interesting to news consumers than crime *stories* (Feilzer 2007).

Whilst sensationalism affects news coverage of *crime*, it is reasonable to expect that it has some impact on coverage of penal processes as well, since they are the State's response to crime. Whilst there is debate over the extent to which news media *control* public opinion,<sup>2</sup> it is notable that news media play a substantial role in setting the terms of public discourse, which will have an inevitable effect upon democratic politics (Boda and Szabó 2011).

### 1.2 The Legitimacy Challenge and News Media

Media sensationalism about crime has unquestionably contributed to the rise of punitiveness in Western democratic (and especially UK) criminal justice policy-making (Lacey 2007; Green 2009). If crime appears to be serious and widespread, then harsh punishment becomes a political necessity, especially given that retribution and deterrence are professed goals of the English criminal justice system (ss. 142-142A Criminal Justice Act 2003). The perception that crime is more serious and widespread than crime data suggest impacts upon the popular acceptability of penal processes. Where crime is portrayed as being of increasingly immoderate seriousness, it becomes increasingly hard to justify punishments of moderate severity. If it is increasingly widespread, harsher deterrents become necessary, and the desire for incapacitation of offenders becomes stronger.

As a result of this discursive climate, English community punishment faces a sustained legitimacy crisis, constantly needing to prove that it effectively protects the public and provides proportionate punishment (Robinson and McNeill 2004). Against this (perceived) backdrop of public punitiveness (*cf.* Maruna and King 2004), successive governments have sought to 'toughen up' community punishment in order to gain political advantage by satisfying the concerns of an insecure electorate (Lacey 2007: 173-181).

Media appear to play a role in the perpetuation of this legitimacy crisis (Maruna and King 2008: 340), and in any event hold substantial power to represent community penalties to the public (UNODC 2007: 78) and politicians (Wykes 2001: 193). The language and concepts that they use are therefore crucial to any attempt to understand the public legitimacy of these penalties, or to evaluate the extent to which real institutional change – whether increasing the level of penal 'toughness' or not – is necessary.

### 1.3 The Primacy of Prisons in the (English) Public Imagination

One aspect of the adverse public and media attitudes towards community (and other non-custodial) penalties is the enduring primacy of prison in the English (and indeed the wider British) public's vision of the penal system. When one imagines the penal system, one automatically thinks of prison, in spite of the fact that far fewer people are incarcerated than are subjected to non-custodial dispositions (McNeill 2013: 171-172). This state of affairs encourages the idea that prisons are the only 'real' punishment available (Mair 1998: 263), especially given that historically, community dispositions were used primarily as an alternative to punishment. The political expediency of recent decades, however, has required non-

custodial dispositions to compete in the punitive arena – in other words, to become *alternatives to imprisonment* (Nellis 2007).

The language of ‘alternatives to imprisonment’ represents a serious challenge to the public legitimacy of non-custodial penalties as and of itself. It establishes imprisonment as a benchmark, and soprioritises it. In order to be an effective alternative, something must compete explicitly with that which is being alternated, and provide at the very least a roughly similar outcome. For example, veganism is a lifestyleregime that prohibits the consumption of goods produced via the exploitation of animals, including foods such as meat, fish, milk and eggs. It therefore bars numerous traditional sources of essential human nutrition. In order to live healthily, a vegan must seek *alternatives* to meat and dairy. These alternatives will only be effective if they provide a similar (or better) level of nutrition compared to traditional foodstuffs. Even if they have benefits other than good nutrition (such as reducing the chance of food poisoning), they will still be poor alternatives to traditional foodstuffs.

In the case of finding alternatives to imprisonment, this language specifically invites comparison in terms of their deprivation of the offender’s (physical) liberty. After all, imprisonment essentially *is* the deprivation of liberty. Whilst it may impose other types of suffering (the ‘pains of imprisonment’: Sykes 1958) on the offender, deprivation of liberty is the most immediate (punitive) effect of incarceration. One could (hypothetically) be imprisoned without being deprived of heterosexual relationships, for instance (*Ibid.*), but one cannot be imprisoned without being deprived of one’s liberty. That pain is intrinsic to the act. It cannot be undone without undoing the act of imprisonment itself.

Liberty deprivation is therefore the most obvious means by which to make comparisons if one should seek alternative punishments to imprisonment, especially in a liberal democracy in which personal freedom is valued highly. It is also relatively easy to identify (and quantify) the extent to which one’s right to liberty is infringed by a given sentence, making judicial comparison reasonably easy (Schiff 1997).

However, relying upon liberty deprivation as a measure of penal severity automatically favours the conclusion that imprisonment is the toughest sentence available, since it involves the greatest deprivation of liberty (given that the UK has abolished the death penalty, as well as harsh historical punishments such as corporal punishment and transportation: *cf.* Emsley 2005). Although physical liberty *is* constrained by community punishment, this restriction is limited to those periods when the order requires the offender’s oversight (such as during unpaid work, or probation supervision).

This choice of metric automatically disadvantages non-custodial sentences, since, unlike incarceration, they can be achieved without the offender’s continuous detention. They simply cannot compete in the way that those introducing them as ‘alternatives’ want them to, giving the impression that prison offers the only tough punishment, that there are no ‘real alternatives’ (Ashworth 2010: 319). This allows other forms of penal hardship that do not fit into a metric based on liberty deprivation to be overlooked, despite the fact that they might provide a more rounded image of a given sentence’s severity (and broader utility), and thereby demonstrate that the sanction is a better alternative to imprisonment.

The language of alternatives to imprisonment is prominent in (English) public discourse (Maruna and King 2008: 339-341), which suggests that news media (which are amongst the most important channels by which such discourse is held) maintain it. To the extent that this is so, news media perpetuate another implicit critique of community punishment, and so deepen the legitimacy crisis that these sentences face.

The literature therefore suggests that news media can be expected to have profound implications for the perception of community punishment in public discourse, and therefore upon its political legitimacy and socio-penal utility. The remainder of this piece will report upon an empirical study in England and Wales that tests this hypothesis.

## 2. Methodology

### 2.1 Population

The population from which this study's sample was drawn consists of all newspaper articles recorded in the Nexis UK database that mentioned community punishment in England and Wales, and were published between 1<sup>st</sup> January 2003 and 1<sup>st</sup> July 2011.

The restriction specifically to newspapers is principally one of convenience. Since newspaper articles are textual, they are easier to retrospectively access than, say, radio transmissions, especially given the existence of a comprehensive online database (specifically Nexis UK, although cf. Jewkes 2011: 264-265 on this resource's weaknesses).

There are limited grounds for extending this article's conclusions to news media more generally, however. For one thing, news journalism can be understood as a relatively homogeneous cultural institution in England and Wales. Whatever the medium, the role of the journalist is largely the same: she investigates, and reports her findings to the public (Wykes 2001: 188). Whilst the impact of a medium's technical limitations on the discourses undertaken within it cannot be understated ('The medium is the message': McLuhan 1964), the essential socio-cultural role of the journalist is the same across media, and so will be subject to similar discursive tendencies, including those about community punishment.

Moreover, news stories are often reported by multiple media. What might start as a 'scoop' for a television station might be considered newsworthy by a newspaper, which will go on to report the programme's findings. Consequently, a study of newspapers will under-report, but nevertheless provide a partial picture of what is newsworthy in other media. Whilst the focus on newspapers must therefore limit the findings of this research to that medium, its conclusions are likely to have broader relevance.

One must also recognise that not all (English) newspapers follow the same journalistic model, in that they hold different ideals of: what is newsworthy; which values are important to emphasise; and what style and format to adopt (Franklin 2008). In fact, three distinct journalistic styles are apparent in English newspapers, which can be called the *tabloid*, *broadsheet*, and *local* approaches.

The *tabloid* approach relies primarily upon *tendentious* representation of news at the national level, characterised by explicit advocacy of normative outlooks and political outcomes, as well as focussing news upon human drama rather than on social trends. Its language is typified by universalism and simplistic explanations, which offer little ground for readers to engage in complex analysis of the situation being reported on. A focus on emotive populist topics, celebrity and royal news, and other less intellectually 'worthy' subjects is also typical (Harrison 2008: 43-44).

By contrast, the *broadsheet* approach adopts a *discursive* news style. This model treats its readers as intelligent and capable of forming complex analytical opinions. As a result, political and normative bias is eliminated (or at least hidden) as much as possible in favour of neutral, formal language, focus on social trends, in-depth analysis and eschewal of the lowbrow in favour of 'real' or 'quality' news (*Ibid*: 41-42).

*Local* newspapers differ from their national counterparts, in that they favour a more *descriptive* model of news coverage. As the label suggests, descriptive news is largely value-neutral, and offers no assistance as to the broader normative and political ramifications of news, letting the facts speak for themselves (*Ibid*: 42-43).

As Harrison (2008: 39-41) notes, these categories should not be seen as prescriptive: broadsheets can be tendentious and tabloids discursive. Indeed, increasingly financial pressures have forced newspapers to homogenise their output, focussing increasingly on celebrity and other ‘unworthy’ news, for instance (Franklin 2008: 14-16). However, (English) newspapers exhibit journalistic and editorial tendencies that correspond to these three news styles, and can be grouped in this way for present purposes.

Fourteen nationally circulated titles were included (four broadsheets and ten tabloids, that is, all national titles that discussed community punishment in at least one article during the relevant time period). An equal number were then drawn from local newspapers published in the Thames Valley and East Midlands regions of England, for a total of twenty-eight newspapers in total. Two local regions were included in order to prevent any skewing of the data generated from local newspaper on the basis of localised factors. The newspapers included in the study are shown in Table One, below.

*Table One: Table of Newspapers Included in the Sample*<sup>3</sup>

<b>Broadsheet</b>	<b>Tabloid</b>	<b>Local (East Midlands)</b>	<b>Local (Thames Valley)</b>
<i>The Daily Telegraph</i>	<i>The Daily Express</i>	<i>Derbyshire Times</i>	<i>Bucks Free Press</i>
<i>The Financial Times</i>	<i>The Daily Star</i>	<i>Grantham Journal</i>	<i>The Bucks Herald</i>
<i>The Guardian</i>	<i>The Daily Mail</i>	<i>Leicester Mercury</i>	<i>Milton Keynes Citizen</i>
<i>The Times</i>	<i>The Independent</i> <sup>4</sup>	<i>Loughborough Echo</i>	<i>MK News</i>
	<i>Metro</i>	<i>Northampton Chronicle and Echo</i>	<i>The Oxford Mail</i>
	<i>The Mirror</i>	<i>Nottingham Post</i>	<i>The Oxford Times</i>
	<i>News of the World</i>	<i>Rutland and Stamford Mercury</i>	<i>Thame Today</i>
	<i>The People</i>		
	<i>The Sun</i>		
	<i>The Sunday Sport</i>		

The population under study is also limited to those articles published between 1<sup>st</sup> January 2003 and 1<sup>st</sup> July 2011. December 2003 saw the passage of a Criminal Justice Act that profoundly altered the form in which community punishments were imposed in England and Wales, and which therefore provided a useful starting point. The aim of studying from 1<sup>st</sup> January was to capture any coverage of the political debate surrounding that Act’s inception.

Whilst the end-point of this period was selected for convenience, since 1<sup>st</sup> July 2011 was when data collection started, it turned out to be fortuitous. That summer was a tumultuous one for English news. Firstly, the ‘phone hacking’ scandal of July 2011 led to the closure of *The News of the World*, which at the time was the most widely-read Sunday newspaper in Britain. That August then witnessed widespread rioting and looting, which led to a marked rise in the tenor and frequency of punitive narratives in the English press (Downes and Morgan 2012: 201-203). In short, both the social context of the criminal justice system and the landscape of newspaper coverage changed profoundly shortly after July 2011. This would have distorted the data collected considerably.

## 2.2 Sample and Methods

A sample of 2,000 newspaper articles was constructed from the population described above using six variations on the phrase ‘community punishment’ as terms for database searches. Special regard was paid to community payback, as the ‘toughest’ form of community punishment in government rhetoric, following the Casey Report (Casey 2008), and which one would therefore expect a punitive public to respond most favourably to.

The search terms were: ‘community punishment’; ‘community justice’; ‘community payback’; ‘community order’; ‘community sentence’; and ‘community service’.<sup>5</sup> They were deployed in a mutually exhaustive matter: the first search was run using the ‘community punishment’ term; the second, ‘community justice’, was then used to search for all articles that contained ‘community justice’, but not ‘community punishment’; and so on. This prevented accidental double inclusion of individual articles that included multiple search terms. The articles were ranked in chronological order and subjected to a stratified random sample. Each of the six search terms was sampled equally to ensure that each term was adequately studied (with the remainder selected from ‘community punishment’).

Nexis UK was the largest database of newspaper articles available for the research. However, it imposed two obstacles to a fully random sampling method. The first is a result of the fact that two of the search terms used, ‘community justice’ and ‘community service’, can be used in other senses than as synonyms for community punishment: ‘community justice’ is typically used to refer to trial procedures based in, and involving the (limited) participation of, the community (Williams 2005: 27-56); whereas ‘community service’, whilst a traditional label for unpaid work, can also refer to charitable undertakings by a community member, outside of any criminal justice context (*cf.* Kahan 1998:701-704). Articles containing these homonyms were ignored for the purposes of constructing the sample.

The second obstacle is that Nexis UK contains many duplicates of certain articles. Whilst many were archived only once, articles could appear multiple times in search results. During sampling, it was necessary to be alert to the possibility that two instances of the same article might be included. Duplicates that were encountered were skipped.

The sample was subjected to a thematic content analysis (Durnescu 2011: 533), that is, they were read and analysed in order to draw out any themes common to at least two articles. Although the sample number was quite high for a study using qualitative methods, the short length of the articles (generally, between one and six paragraphs long) meant that the task was not (quite!) as labour-intensive as it may appear.

## 3. Results and Discussion

Table Two summarises the results of the study. In total, twelve themes were identified, and are discussed in turn below, in terms of three major trends: the level of hostility demonstrated by English newspapers towards community punishment; the impact of the characteristics of newspapers’ crime coverage upon their representations of the penal system; and the phenomenon of ‘spared jail rhetoric’.

### 3.1 Hostile or Reactionary?

Given the legitimacy crisis facing community punishment in the UK (and arguably much of Europe: Lacey 2007), one might expect English newspapers to adopt hostile attitudes towards these penal processes. On a preliminary reading of these data this would appear to be the case.

*Table Two: Incidence of Themes in a Sample of 2,000 Newspaper Articles Discussing Community Punishment in England and Wales<sup>6</sup>*

Narrative Theme	Newspaper Type			Totals:
	Broadsheet(n = 360)	Tabloid (n = 660)	Local (n = 980)	
Inefficiency	80	179	95	354
Inadequacy	59	215	88	362
Effectiveness	106	110	125	341
Normalisation	284	358	746	1,388
Positive Reform	80	57	47	184
Negative Reform	79	200	24	303
Emotiveness	47	255	68	370
Serious Offending	36	163	80	279
Anti-Social Behaviour	22	51	40	113
Young Offenders	44	64	56	164
Victims'/Restorative Justice	76	80	142	298
Spared Jail Rhetoric	20	87	83	190
<b>Totals:</b>	933	1,819	1,594	4,346



On the one hand, two common themes emphasise the *inefficiency* and *inadequacy* of community punishment. The former argues that, whilst there may be a place for community sanctions and measures, the application of community punishment in the reported instance is a failure at its objectives, as identified by the reporter, often because of the failure of penal actors to properly manage the offender's behaviour (e.g. Kelly 2010; Anon 2009a; Collins 2011).

Inadequacy is a more damning appraisal. Under this interpretation, community punishment is wholly inappropriate as a penal response in the reported case, and indeed may be inappropriate in general. Patrick O'Flynn (2010), writing for *The Daily Express*, vividly opined that community punishment is so-called because 'it's usually the community that ends up being punished,' since the offender is not incarcerated and is therefore free to ravage society with her reoffending (see also, e.g., Slack 2007 and Anon 2008c).

On the other hand, community punishment is sometimes portrayed as being *effective*, that is, as being both efficient and adequate, at least in principle. Clearly the first two themes conflict with this third: one cannot claim that community punishment is inadequate but effective (although it is possible to say that whilst effective in the abstract, it is inefficient in this case). It is therefore noteworthy that negative attitudes towards community punishment are more than twice as prevalent in these data as positive ones, suggesting that an ingrained hostility towards community punishment is commonplace amongst English newspapers.

However, this overlooks the fact that the fourth theme in Table One, *normalisation*, is more prevalent than the first three themes taken together! This theme acknowledges the existence and use of community punishment, without any explicit condemnation or praise. The effect is to say that community punishment *x* was imposed in case *y* for offence *z*, and that this is nothing worth commenting on. Although normalisation is most common in local newspapers, reflecting their more descriptive reporting tendencies (recall Harrison's (2008) taxonomy above), it is still a regular component of national news coverage as well, appearing in about half (358 of 660 articles) of all tabloid and three-quarters (284 of 360) of all broadsheet articles sampled. Even where discursive or tendentious commentary is more common, in other words, newspapers seem to accept that community punishment is unexceptional in at least some cases.

It would be superficial to judge the importance of each theme by its numerical incidence alone. Newspapers produce a complex array of different political narratives, and community punishment will be more conducive to some of these visions than others. Positive narratives about community punishment tend to be more concentrated in left-leaning newspapers and broadsheets, with tabloids and right-wing publications preferring narratives of inefficiency and inadequacy. Normalisation tends to appear in more descriptive pieces, often merely identifying the sentence without comment as the resolution to a story about a particular crime. It is unlikely that this will be read in the same way as, say, an in-depth editorial debating the merits using community punishment against more serious offending.

However, these tendencies nevertheless indicate that English newspapers are not so much inherently hostile towards community penalties as they are *reactionary* towards penal reform. This is borne out by two more themes: *positive* and *negative attitudes to reform*. Whilst reform can either enhance or reduce the role of community punishment, and may pursue any number of penal agendas, it is noteworthy that negative responses to reform ( $n = 303$ ) are nearly twice as common as positive ones ( $n = 184$ ). Changes to the penal *status quo* tend to be met with criticism instead of praise, at least in the short term.

This phenomenon is partially explicable as a function of different newspaper approaches (recall Harrison 2008, above). The more tendentious tabloids account for the bulk of all negative responses to reform (200 of 303 negative attitudes), whilst the more discursive broadsheets, with their aspirations towards neutrality, offer a nearly exact balance of positive and negative opinion, for instance. Nevertheless, it is noteworthy that these data record responses to *reform*, whether that increases, reduces, or has no effect upon the use of community punishment as a response to crime.

Overall, therefore, these data indicate that community punishment is (more or less) accepted by English newspapers as part of the criminal justice system, although there is conflicting opinion as to what role these penalties should play within that system. The use of community punishment as an alternative to imprisonment is still fairly novel, and whilst these data do not disprove that a legitimacy challenge is made by English newspapers, or that strong negative opinions about community penalties exist in England and Wales, these data suggest that at least some of this hostility is to their novelty, and not necessarily to the use of the penalties themselves. It may be that penal reforms can weather the storm of media criticism more effectively than expected, before ultimately achieving acceptance as normalised tools in the criminal justice toolkit.

### 3.2 Crimes and Punishments

The second cluster of themes drawn from this study indicates a fundamental connection between the coverage of punishment and the coverage of crime. It is comparatively unlikely to find community punishment being discussed unless it is rendered ‘interesting’ by the crime to which it is addressed (recall Feilzer 2007).

As a result, newspaper coverage of community penalties tends to be distorted by the sensationalistic imperatives of crime journalism. In particular, there is a tendency – especially in the tabloid press – to rely on *emotive language* that paints crime in simple, moralistic tones. An emotive story tends to play up the odium of the crime by dehumanising the offender through language such as ‘scum’, ‘crim’, and ‘lag’ (e.g. Morris 2008), or by emphasising the moral virtue of the victim (e.g. Anon 2006b).

Another tendency of emotive storytelling is the distortion of crime coverage, focussing disproportionately on *serious offending*. Seriousness was defined for present purposes as involving aggravated violent or sexual behaviour, including robbery, sexual assault, and the infliction of grievous bodily harm.

It should be noted that more than twice as many instances of coverage of serious offending were identified as there were for *anti-social behaviour*. The latter theme deals with non-criminal deviance such as loitering and public drunkenness, usually as an historical prelude to the criminality reported by the article. The tone adopted where this theme appears tends to be one of angry frustration with the criminal justice system for letting the anti-social future offender slip through the cracks and harm society (e.g. Hanif 2006).

Likewise, there is a tendency to focus on *youth offending*. It is common for extremely punitive responses that target ‘yobs’, predominantly from impoverished backgrounds, as a major social problem in need of correction (e.g. Pascoe-Watson 2009). Youth offending is often tied to parental failure, and calls for the punishment of the parents for the child’s offending are not uncommon (e.g. Anon 2006a; Anon 2010a). However, it should be noted that occasionally less punitive voices are heard: Hanif (2006), for example, argues that community punishment is more suitable for youth offenders, as it protects them from the potential harm that prison can inflict upon their future socioeconomic prospects.

In general, these data support the general contentions of academic literature on crime news: it is sensationalised, moralistic, and distorted, both to serve newspapers' broader agendas and to satisfy the socio-political perspectives of their readership. Generally, this generates negative publicity for community punishment, which is presented as an alternative to imprisonment in moderate cases. The overrepresentation of immoderate crimes serves to emphasise the weaknesses of that alternation (especially in terms of liberty deprivation), and thereby encourage the criticism of community punishment (recall 1.3 above).

Moreover, the tendency to depict offenders as immoral deviants through emotive language can be expected to undermine the legitimacy of any penal reform that lessens the perceived severity of the punishment imposed, regardless of whether or not it provides a more effective sentence (however measured). Any institutional empathy for offenders becomes tantamount to sympathising (if not colluding) with a social enemy (recall O'Flynn (2010), quoted at 3.1 above), and newspapers have consistently presented community punishment as doing just that (e.g. Anon 2006, Morris 2008, Anon 2008c). Punitive attitudes are not difficult to understand when crime is so presented (cf. Garland 2001: 157-158; Wykes 2001).

However, the major exception to newspaper negativity towards community punishment encouraged by the (mis)representation of crime is the discussion of *victims' and restorative justice*. An emphasis on modes of criminal justice that emphasise restitution, reparation and restoration between the offender, her victim, and affected communities is perhaps unsurprisingly most common amongst local newspapers. Since these newspapers write for specific geographic communities, it is not surprising that they would tend to promote more community-oriented responses to crime.

Whilst victims', community, and restorative justice are very different paradigms for the correct organisation of penal institutions (Williams 2005: 27-28), they are taken together here because they coincide with a more appreciative media approach towards community punishment. Community punishments that incorporated restorative processes were met with universal journalistic support (e.g. Anon 2009b). Although this positivity is concentrated most highly in local titles, even national newspapers show support for such penal approaches 'outside the penal box' (Anon 2008a).

The framing of a story about community punishment has a profound effect upon its rhetorical content. Negative approaches tend to find favour where serious offending and previous State failures are highlighted, whereas more community-oriented and reparative approaches tend to cast non-custodial sentences in a more positive light. Although positive framing would not immediately resolve media concerns about public safety and community punishment, it could well go some way towards boosting penal legitimacy in these areas.

### 3.3 The 'Spared Jail Rhetoric'

Evidence of a *spared jail rhetoric* was found in a small but significant portion of the sample ( $n = 190$ ). Articles showing this theme used language along the lines that "Offender  $x$  was *spared jail*" by being sentenced to community punishment. In other words, prison ought to have been imposed, but was not. An implicit preference for incarceration over 'alternatives to imprisonment' is therefore demonstrated (recall 1.3 above).

What is most interesting about this rhetoric is that it tends to be used differently depending on the moral allegiances of the author. Depending upon whether the offender is considered worthy or unworthy of readers' compassion, the language of the spared jail rhetoric differs substantially from article to article.

A worthy offender will be one who: has committed a minor offence or had a compelling reason to offend (such as stealing to fund care for a sick relative); who appears to genuinely repent, possibly even seeking to make reparation; or who is supported in court by favourable testimony from a family or community member. These cases are spoken of in terms of judicial compassion: the offender is ‘spared jail’ (Court Staff 2005) or ‘granted mercy’ (Camber 2008). The offender is passive and humble before the court, and for this reason is given a less severe sentence than that which would be merited by the seriousness of her offence alone. Although these instances of ‘merciful’ community punishment are approved by the authors, they nevertheless reinforce the idea that prison is the only ‘true’ punishment. It is only that it is deemed acceptable to set punishment aside in these cases.

By contrast, unworthy offenders are painted as active and malicious, deliberately manipulating criminal justice institutions in order to evade justice. These offenders tend to have committed more serious crimes, especially those which breach socio-moral norms, such as those around celebrity and gender (Anon 2007; Lister and Thompson 2004; Broster 2007). Most commonly, these offenders have ‘avoided’ or ‘cheated’ jail; more rarely, they ‘escape jail’ (conjuring images of a jailbreak!), or have even ‘walked free from court’ (Anon 2010b), as if no penalty had been imposed at all. Prison is still seen as the *sine qua non* of effective punishment – without it, the offender simply cannot have been appropriately censured.<sup>7</sup>

The spared jail rhetoric is particularly interesting in that it demonstrates many of the traits of English newspaper coverage of community punishment in microcosm: it distinguishes along highly moralistic, emotionally-charged lines, describing the offender’s agency, her personality, and the justice of the sentencing decision in terms of her perceived socio-moral worth. She is converted from a deviant citizen into a character in a sensational drama. Moreover, the rhetoric has the aggregate effect of denigrating alternatives to imprisonment. Prison should always be the starting point, and alternative sentences are only justified where the judge is right to show clemency.

## Conclusion

In sum, these data indicate that the link between newspapers’ coverage of community punishment and of individual crimes distorts the penal terrain in which these sentences are seen to operate, and so affects their perceived validity as responses to crime. Moderate penalties are less desirable in a society seen to be ravaged by serious criminality. This gives apparent weight to the criticism that community punishment is ‘soft on crime’, and is (at best) a poor alternative for imprisonment.

However, upon closer inspection there are faint signs of (cautious, partial) acceptance of community punishment. These data suggest that English newspapers are reactionary, rather than overtly hostile, towards community penalties. Of course, this is an aggregate conclusion that oversimplifies the complex multitude of opinions held by different newspapers, and indeed different journalists working for the same newspaper. But the extremely common theme of normalisation indicates that generally, community punishment is an accepted part of the English penal landscape, at least in general.

Further grounds for (limited) optimism can be found in the tendency for some newspapers to support community punishment when it is cast in a reparative or restorative light. Whilst articles praising these approaches are in a minority of the sample, and tend to be concentrated in less influential local newspapers, they indicate that increasing the ‘toughness’ of community punishment is not the only route to improving penal legitimacy with news media,

as with the broader public (*cf.* Maruna and King 2008). Increasing the reparative content of community punishment and enhancing community involvement appear to offer alternative routes to convincing newspapers (and therefore, hopefully, their readers) that community punishment is not only appropriate, but also preferable as an alternative to imprisonment for offences of moderate seriousness.

Ultimately, this study is intended as an exploratory foray into the largely overlooked relationship between media representations and community sanctions and measures. There is much scope for further research into the narratives presented by different forms of news media, to say nothing of entertainment media, and to examine the differences between news media responses to community sanctions and measures within (and between) other countries.

## Notes

1. Whilst the study deals with newspapers that publish either in certain local regions of England, or across the United Kingdom as a whole (and to a limited extent, internationally), it focusses exclusively on their observations with regard to the penal system in England and Wales. The somewhat problematic demonym 'English' has been used to mean 'of or pertaining to England and Wales' for present purposes.
2. Compare Herman and Chomsky 1988 and Wykes 2001: 187-205 (advocating that news media exert (some) control over public opinion) with Ditton *et al* 2004 and Gladstone 2011 (arguing that the two are not causally related). *Cf.* Boda and Szabó (2011), who conclude that there is a complex, indirect relationship between media representations and public attitudes.
3. Where relevant, Sunday editions were treated as being the same title as daily editions.
4. British readers may be surprised to see *The Independent* classed as a tabloid, rather than a broadsheet. This is illustrative of the fact that these terms are used in the sense of broad approaches to news coverage and not to convey any particular level of journalistic quality or to be pejorative about newspapers' output. Whilst typically thought of as a 'quality' title, *The Independent* is highly tendentious in its approach to news coverage, to the extent that its editor has described it as a 'viewspaper' (Franklin 2008: 15).
5. Reference to the Probation Service is notable by its absence from this list. The history of community sanctions and measures across the UK has very much been the history of the Probation Service (Mair and Burke 2012), and it is questionable to what extent the two may be meaningfully divorced, especially from the lay perspective of the media. One might say the same about 'community penalty', a phrase which is commonly used in English academia to describe what I have termed 'community punishment'. These absences ultimately limit the validity of the data generated, even though data saturation seems to have been achieved.
6. Note that, since each article can exhibit more than one theme, the total number of themes exceeds the sample size of 2,000.
7. The phenomena described here are tendencies, not absolute rules. For instance, one article uses the harsher language of 'avoiding' jail for the relatively trivial offence of stealing a goldfish: Anon 2008b.

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