

REPRESENTING ORDER: CRIME, LAW, AND JUSTICE IN THE NEWS MEDIA by Richard V. Ericson, Patricia M. Baranek and Janet B. L. Chan (Toronto: University of Toronto Press, 1991)

Crime is a phenomenon that Canadians, indeed most North Americans, routinely hear about, read about, talk about, and especially through the medium of television, watch. Consider the various sources of information on crime and on the workings of the police and the courts that the average citizen may encounter on any given day. When the television set is turned on, reports of crime are likely to appear on the local or national news, and prime-time television presents a variety of crime, "police" and courtroom dramas. Newspapers and radio, like television, devote considerable space and time to reporting crime and law enforcement. These topics are even likely to find their way into our daily conversations. However, even though we as citizens are exposed to a great deal of information and communications about crime and issues of law and order, most of us will neither become victims of serious personal crimes like murder, rape or even robbery nor become involved in the "system."

Most of the information that we acquire about crime and, indeed, on the workings of the criminal justice system, is likely to be based on indirect experience and on "packaged" or prepared information. According to Ericson et al., this fact is important for understanding public opinion and public perceptions on crime, on the justice system, and on normative social ordering — for at least one good reason: the beliefs and images that people have about crime, justice, and social order are shaped by the mass media.¹

A major source of information about crime, justice, and the legal system for the general public is indeed the mass media, including television, radio, newspapers, news magazines, books, and movies. The depiction of crime and justice in mass media occurs under several formats. One important format in the broadcast/print media is *news coverage*, or the reporting of incidents of crime, prosecutions, trials and court hearings through television, radio or newspapers. It is the news media and *news production* in particular which the writers are concerned with in this book. There is routine coverage in the news not only because events unfold on a daily basis but also because they are newsworthy due to their inherent human interest qualities. It is argued, however, that news coverage of crime and justice actually presents a distorted picture while seemingly presented in a factual and objective manner. Although crime statistics are sometimes reported in the news, most crime news consists of reports of particular events. Because the "supply" of crimes or criminal justice stories is virtually unlimited, choices must be made as to which ones to report. As with any other kind of potential news material, the central criterion for choosing a particular event or story is "newsworthiness."

In the case of crime, newsworthiness can translate into crime seriousness: the more serious the crime, the greater the likelihood that it will appear as a news story. This

¹ The present book being reviewed is the third volume of a trilogy by the author on the same subject. The two other books are: *Visualizing Deviance: A Study of News Organizations* (Toronto: University of Toronto Press, 1987), and *Negotiating Control: A Study of News Sources* (Toronto: University of Toronto Press, 1989).

standard is not in itself unreasonable, but it is at odds with sociological reality. As a general rule, crimes occur in inverse proportion to their seriousness. By using seriousness as a criterion, the media are more likely to report precisely those crimes that are least likely to occur. Another source of distortion that may appear in the broadcast media is the practice of using crime/justice news as "filler," that is, filling up column space or air time on "slow news days." If done regularly, the amount of space and time devoted to such news will not accurately reflect what is actually happening in the community or society. The same practice is sometimes followed to increase circulation or viewership. The news media's criterion of newsworthiness, thus contingent on what is required to boost sales, reach a certain audience, or to provide information or entertainment, shapes the moral boundaries and contours of social order by defining which behaviours vary from the usual and deviate from the accepted. The news comes to represent *order* and is used by people to order their daily lives: news provides the "preferred versions" of social order upon which people make decisions and take action.

The image of crime or of deviant behaviour as presented in the news media is thus, in a sense, a reverse image of reality. To say, however, that the news media distort crime and justice is not to say that public beliefs about crime and justice are also distorted, or that the presentation of crime news is deliberately distorted. Rather, it is that editorial and journalistic practices have inadvertent consequences. Researchers of the communications media (Ericson included) point out that these editorial practices "filter" and "process" information and images in ways that are part of broadcasting and journalism as businesses and social practices. Within this book, it is contended that journalists play a rather significant role in constructing ideas about deviance, crime, and social order because they serve as information brokers who do much more than reproduce the knowledge of their sources. The "facts do not speak for themselves as news," but rather the journalists' *interpretations* of the facts are instrumental in framing them. Because information and knowledge are a matter of interpretation, they are considered ideological in the sense of being *selected for*. Ericson points out that news workers have their own working ideology of society and of events taking place within it, and that news production involves interorganizational and interpersonal interactions, as well as power conflict among news personnel at all levels. These personal and organizational dynamics play no small part in determining not only the news that is presented and finally shown to the public, but also the particular versions of social reality that this news represents.²

It is interesting that criminology is often thought of as being the study of criminal behaviour or the criminal justice system. Under this conceptualization, crime and justice are understood to be dependent variables, that is, phenomena to be explained. What the authors have done here is attempt to show how the news media act as an independent variable, that is, as a shaper of perceptions and beliefs of crime, law, order, and justice. Ericson's work is non-Marxist and non-Positivist and, therefore, does not focus on individuals and criminogenic conditions, as would traditional Positivist and even Marxist criminological theory. The focus instead is on power and social ordering. From this

² R.V. Ericson, "Mass Media, Crime, Law, and Justice: An Institutional Approach" (1991) 31 *British Journal of Criminology* 219.

perspective, definitions of deviance and crime, crime surveillance, prosecution and punishment serve to consolidate the power of the state and interests served by the state. The state and its agents (i.e. its authorized representatives) serve to reproduce various legal ideologies. In so doing, the state strives to maintain key aspects of social order, which include the acceptance of legal and political authority as well as dominant images of deviance and respectability. Ericson and his colleague's contribution is that their work considers the wider political and civic context of the application of criminal law and of social control.

Their work thus reflects the shift in scholarly interest to the study of how the state and other institutions — such as the news media — shape ideas of deviance, crime, law, order, and justice and so engage in the social construction of reality. Ericson et al., look at how news making becomes an "agency" of social control, that is, not just describing crime, law, and justice processes, but serving as an integral part of *defining* order and consensus. *Representing Order* is a critical work on how the news media may be used to help create an over-arching ideology that reestablishes and "re-forms" legal and political authority. The implication is that the news media induces conformist beliefs and behaviours that may be congruent with the interests of the privileged and powerful, and that it inculcates deference and conformity without resorting to sheer repression or other kinds of coercion.³

At the same time, however, Ericson is sensitive to contradictions in media/news coverage of crime, law, and justice. He notes that the news/mass media are more pluralistic than we might think: "while mass communications are hierarchical and structured by power, so that particular institutions, people, topics, and formats predominate, they still provide an appreciably open terrain for struggles for power." There exists the possibility, then, that the media may be more responsive to struggles for justice, and that the media may well serve interests other than those of the state or of the power elite. This possibility is small comfort, however, since it merely reinforces the point that the construction of the social order becomes the task and responsibility of the stronger competitor. Whose version of a just social order — that we as citizens must come to accept as reality — will it be?

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³ This theme is of concern to many analysts of media/information communications with respect to what has been termed "participatory surveillance" and the continual monitoring of daily life, and its implications for individual personal freedom. M. Poster, *The Mode of Information: Post-Structuralism and Social Context* (Chicago: University of Chicago Press, 1990) and W. Leiss, *Under Technology's Thumb* (Montreal: McGill-Queen's University Press, 1990) at 126 are especially insightful.