

**Competing Moral Panics: An analysis of media  
representations during prolonged social anxiety.**

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## **Abstract:**

The period of extended social anxiety and fear within New Zealand surrounding the repeal of section 59 of the New Zealand Crimes Act 1961, also commonly known as the “anti-smacking bill”, was a result of two competing moral panics. This research identifies and investigates the phenomenon of competing moral panics, as well as examining shifting media representations of crimes and how the concept of signal crimes interacts with moral panics over time. Competing moral panics is a phenomenon that occurs when there are two separate panics over a particular issue or incident. The competitive aspect is derived from the need for a moral panic to be perpetuated by mainstream media, where each panic is striving for as much coverage as possible in order for society to banish the ‘folk-devil’ that has been identified. Additionally, signal crimes are being used to exaggerate or revive the fears associated with moral panics.

## **1. Introduction**

The media has become an increasingly prevalent part of our society since the inception and saturation of radio, televisions and more recently, the internet. Whilst these mediums are of great benefit to society in spreading information, they can also be used as conduits for opinions, spin, misinformation, propaganda or fear (Ben-Yehuda, 2005). The primary focus of this research is the journey and transitions that occur when a significant incident becomes the focus of public attention. The reason for this is that the media plays a major role in how the public obtains its information regarding critical issues, incidents or events. Indeed, the only way that the media's influence is balanced is through personal experience (McRobbie & Thornton, 1995; Reiner, 2007). The problem with an area such as crime, however, is that personal experience is statistically unlikely, especially when concerned with violent or sexual crimes (Cottle, 2003; Reiner, 2007; Waymer, 2009). As such, the rhetoric presented by the media is often taken as fact. There is a growing body of research that illustrates the impact that the media has on the public's fear of crime. It is clear that a large discrepancy has developed between the amount of crime that actually occurs, and the amount that is perceived to occur due to media influence, particularly when violent or sexual crimes are specified.

This is a result of media companies competing against each other for revenue, where the differentiating factor is often sensationalism (Cottle, 2003). The company with the most sensational or shocking story has been shown to attract more viewers, which results in an increase in advertising revenue (Bagdikian, 1997; Ferrell & Websdale, 1999). With advertising being the primary revenue stream for most media companies, it is imperative that any 'edge' is exploited in order to increase the customer base and subsequent revenue (Cottle, 2003). This often manifests itself in stories that are blown out of proportion or portrayed in such a way as to increase fear or seem exciting (Cohen & Young, 1973; Ericson, 1995; McCormick, 1995). Additionally, there is a tendency to present a reality that differs from actuality. For example, the majority of crime stories presented in the traditional 'news hour' are violent or sexual crimes, inferring to the viewer that these types of crimes are commonplace (Altheide, 2003; Ben-Yehuda, 2005; Pritchard & Hughes, 1997; Reiner, 2007). Yet official crime statistics and victim surveys both suggest that violent and sexual crimes, which are commonplace within the media, very rarely occur in New Zealand (Ericson, 1995; Potter & Kappeler, 1998; Statistics New Zealand, 2006). A typical member of New Zealand society is more likely to suffer from property damage or dishonesty crimes than homicide, yet these are exactly the types of offences which are not portrayed within the media

(Reiner, 2007). This has led to a large discrepancy between what viewers perceive as reality and what actually occurs.

However this is just one aspect of the issue. The second is the public reaction to this distortion portrayed by the media. It is often the case that when moral panics (see section 2.1) occur, or signal crimes (see section 2.2) are portrayed excessively in the media, the changing public perception due to this media sensationalism is seldom given as much attention as the initial crime or the ensuing moral panic. The purpose of this research is to show how media representations of events are distorted in order to further sway public discourse. This study will endeavour to highlight and illustrate this change using the media coverage regarding the repeal of section 59 of the New Zealand Crimes Act 1961, also known as the 'anti-smacking bill'.

This thesis will cover the consequences that occurred as a result of repeal of section 59 of the Crimes Act due to significant events that occurred before, during, and after the proposed legislative change to the New Zealand Crimes Act. There were exaggerated moral panics coupled with unique signal crimes within society, portrayed and emphasised by the media, regarding domestic abuse. These were then acted upon by the government in the repeal of section 59 of the Crimes Act. However, this change was co-opted by media and talk-back radio rhetoric, and labelled as an 'anti-smacking' bill which would



dictate how parents raised and disciplined their children. This resulted in a divide within society and misinformation being presented as to the purpose of the legislation. It was intended by the bill's principle sponsor, Sue Bradford, to change the Crimes Act in order to remove the defence of "reasonable force" used by parents who were charged for violently disciplining their child. This wording was deemed to be ambiguous, and resulted in some parents causing serious harm to their children and then evading punishment by stating that they considered their actions to fall under the "reasonable force" clause. However, the discourse surrounding this bill evolved to suggest that the change in legislation would criminalise parents for smacking their children or revoke the legality of physical punishment.

The important aspect for this research is the role that the media played in these events. During the passing of the bill and the protests that followed, there were numerous reports on the incidents that led to the proposed legislation. This research is intended to highlight the changing direction of the media discourse surrounding this issue in response to public backlash and changing opinions. The aim of this research is twofold; firstly to follow a series of events that started with signal crimes, evolved into moral panics, climaxed with legislative change, and then concluded with significant public backlash. Secondly, it aims to identify and explain the concept of competing moral panics, which manifested in response to significant social anxiety

regarding the envisioned consequences of the proposed legislation. Finally, shifting media representations will be illustrated in order to highlight the relationship between the public and media outlets in terms of what is reported and how it is reported. This aim presents itself as a null hypothesis and it is expected that the data collected and analysed will reinforce the existence of this phenomenon. It is also envisioned that future research will be conducted into the phenomenon based on this initial investigation.

The scope of this research will be confined to one particular issue that was relevant to New Zealand public discourse; that is, the controversy leading up to, during, and after the repeal of section 59 of the New Zealand Crimes Act – an amendment which was a result of domestic violence signal crimes. This case was chosen because of its relatively recent occurrence and the fact that the series of events produced a unique timeline of substantial social anxiety and legislative change that is well-documented by the media and public records, and is part of New Zealand's collective memory.

This timeline of social anxiety will define the scope of this research. The timeline illustrates the significant events that occurred within the period of time being studied and allows for focus by limiting which cases will be investigated. The two major events on this timeline are the two moral panics that eventuated as a result of signal crimes. The first was the consequence of a

growing concern that parents accused of child abuse were basing their defence on a clause in the then current Act that allowed for a “reasonable” amount of physical force as punishment. Due to the ambiguous nature of what defined “reasonable”, it was feared that some parents accused of abuse may have felt as though their actions were protected under the law. A sense of growing unease over this prompted a strong media reaction, and the ensuing moral panic regarding New Zealand’s criminal justice system and the law surrounding child abuse resulted in the proposal of an amendment to the New Zealand Crimes Act. The second moral panic is a result of this same proposal being enacted. The media discourse around this legislation suggested that it would criminalise parents for ‘smacking their kids’. This generated a large public reaction with many groups protesting the change. The areas of interest from these events are the change in the direction of media messages, and the public reaction to each moral panic. By limiting the scope of this research to these two closely-timed moral panics, the results will be made more reliable and applicable to future events of this nature due to having a wider variety of data from different moral panics that occurred within a similar time-frame.

An aim of this study will be to identify and explain the new concept of competing moral panics. This has received little academic attention and appears to be a valid approach of analysing a phenomenon that would

conventionally be referred to as a “controversial debate”. However due to significant factors, such as the identification of folk-devils and stylised depictions of criminal events exhibited by the media and public alike, the concept of moral panics is more applicable. While this current study identifies the phenomenon of competing moral panics, it is envisioned that future research will be conducted to assess other occurrences of this concept, and to determine whether it is applicable to multiple instances or is unique to the controversy regarding the anti-smacking bill.

As a secondary strand of significance, this research will also highlight the phases and transitions that occurred during the period of public anxiety regarding child abuse, and the resulting legislative change to the Crimes Act. This series of events is particularly interesting because of the shifting public discourse that surrounded the media and their portrayal of particular viewpoints or themes.

The overall goal of this research is to identify and illustrate a phenomenon occurring within the relationship between the media and the public in regards to particularly emotional issues or events. This will be defined by the controversy that occurred in relation to the introduction of the amendment to the New Zealand Crimes Act. In order to identify and define competing moral panics, data was collected via an extensive search of media articles

relating to relevant events contained within the prescribed dates and analysed through the method of discourse analysis. The significance of this research is not to simply identify a phenomenon, but also to lay a foundation for future research by explaining its role in the relationship between the media and the public, especially in regards to events relating to crime. This foundation will allow other scholars to explore different facets of the phenomenon in more depth.

## **2. Literature Review:**

### **2.1 Moral panics:**

The seminal piece of research regarding the phenomenon of moral panics was carried out by Stanley Cohen in 1972 and has been updated on a fairly regular basis since then. That research has been analysed and added to a number of times since its first publication by authors such as Goode and Ben-Yehuda (1994) and McRobbie and Thornton (1995), but remains as an influential piece of work due to the relevance of moral panics in today's society.

The notion of moral panic provides a theoretical framework to understand the process by which one criminal incident can cause such an upswing in interest and fear within society that there is a change in behaviour. The essence of a moral panic is that a particular situation, person, group or setting is seen by the public as a threat to society's values and norms (Cohen, 2002; Goode & Ben-Yehuda, 1994; Ungar, 2001). When this situation, person, group or setting has been identified, the threat presented is often overblown by the media with exaggeration to the potential consequences that could occur (Waddington, 1986). The issue is that often these events do not warrant the public's attention (Cohen & Young, 1973) and this may cause the media to highlight one particular case and sensationalise the possible consequences. The current

modus operandi of the mainstream media, both in New Zealand and internationally, has caused moral panics to be a feature of the 24/7 news day, constantly reminding the viewing public of the dangers within their country and the world at large. These dangers are often conveniently represented as 'folk-devils' within the news media. Cohen (2002) argues that the news provides the public with a sense of what is 'right and wrong', including depictions of heroes that the public should idolise and devils that should be cast out. It is often the case that the 'folk-devils' presented by the media are certain people or groups, however numerous other manifestations have evolved, including episodes, conditions, and consequences. It is the labelling of these factors to be 'heroes' or 'devils' which gives media outlets unprecedented power to influence the public as to whom or what people should fear, thus influencing a myriad of perceptions and presuppositions that the public has on both an individual and societal scale.

Whilst the catalysts for moral panics vary considerably, one key element is a clear and present danger to one's bodily self or loved ones (Ungar, 2001); that is, the threat of nuclear war, terrorism, paedophilia, gangs, abduction, homicide, or rape, to name a few. When one of these events occurs, a moral panic can be instigated.

## **2.2 Signal crimes and disorders:**

The signal crime theory was developed by Martin Innes (2004a) and will form part of the theoretical foundation of this research. In essence, signal crimes are incidents that cause a person to use that crime as a signal to “inform their beliefs about a particular area, or actions taken in respect of it” (Innes, 2004a; Innes & Fielding, 2002). Some crimes in particular, which have exaggerated ‘signal values’, are highly influential in dictating the beliefs surrounding a particular area or incident (Innes, 2004a; Innes & Fielding, 2002). According to Innes (2003) signal values can vary but strong signals relate to what are considered serious crimes, such as homicide or sexual assault. High signal crimes often involve a ‘good victim’ such as a middle class female, an attractive woman or a child who are portrayed by the media as embodying a sense of innocence and purity (Innes, 2003; Manning, 1996). A minority of these crime stories may have a larger impact than others and are covered over a long period of time by the national press and even international media outlets (Innes, 1999). Innes also noted that it is not just singular sensationalised events such as homicide that can instil a sense of public anxiety about being victimized; but that a culmination of smaller events can also create a signal of danger. For example, ‘tagging’ (or vandalism) coincides with the Broken Windows Theory developed by Wilson and Kelling (1982). The crime itself is relatively minor, yet consistent offending of this nature culminates in a change in the behaviour of the public, as a result of the



cumulative signal effect coupled with the fear inspired by the offence occurring on a regular basis (Innes, 2004b; Wilson & Kelling, 1982).

The theory of signal crimes contains three separate components that allow for a distinction to be made between signals and 'noise'. These components are: an expression, a content, and an event (Innes, 2004b). The expression denotes a description of the incident or a specific word that has emotive connotations, such as 'mugged', 'home invasion', or 'savagely beaten' (Innes, 2004b). The content is the perception of risk or fear associated with the expression due to the language used (Innes, 2004b). Finally, the event is the behavioural change that occurs as a result of the content (Innes, 2004b). An example of this behavioural change is the public concern regarding child abductions in playgrounds, which led to parents becoming more concerned about males being in the vicinity of children at playgrounds. This fear has led to numerous arrests of men who are guilty of nothing but proximity:

*The woman, who asked to be identified only as Jasmine, said she noticed the man's 'dodgy' [expression] demeanour soon after she, her son and daughter arrived at the playground..."I saw a man standing there and I just said to myself: 'He looks a little bit dodgy'," she told reporters on Tuesday.*  
(Australian Associated Press, 2009)

This fear surrounding child abductions has caused parents to change their behaviour (event) and use similar crimes as signals in order to warn other members of society about the risks of lone males in playgrounds (content). It is through the proliferation of mainstream media that cases, situations, episodes or conditions such as these gain notoriety. As such it is important to research the consequences of signal crimes after they have been portrayed by the media.

### **2.3 Collective memory:**

Innes (2004a) also suggested that signal crimes can influence the collective memory of society to influence the reception of crimes similar to the original signal crime. Crime as collective memory is a concept which suggests that society collectively remembers certain unique or extraordinary events and that this memory is malleable and can be reconfigured according to future concerns (Innes, 2004a). This is important because it allows for certain events to resonate for a greater period of time than others, due to the attention given to them by the media. The longevity of these signal crimes as collective memories means that future crimes can trigger the recurrence of a past emotional response, or influence the understanding of these previous signals, which were so strong as to be embedded in the collective memory of society (Innes, 2004b). The consequence of this phenomenon is that media often use 'fluid memory' to their advantage by referencing certain past signals, or

attempting to evoke similar emotions by comparing a current event with a previous one. This accounts for certain crimes eliciting stronger reactions than one would normally assume. This fluid nature also shows how the media can shift their own positions or perspectives while still appealing to the previous emotions of what could be an entirely different series of events.

## **2.4 Media Backlash:**

In 1985 Gale Klappa gave a speech at West Georgia College on journalism and the anti-media backlash. It was his view that the media had fallen from grace because they often fabricated portions of their articles in order to stimulate the interest of their audience and provide entertainment (Klappa, 1985). Indeed, Klappa went on to state that the evolution of mainstream media from reporting news to reporting entertainment prompted many mishaps that gradually resulted in the media losing credibility in the eyes of the general public. One reason highlighted was the tendency for the media to participate in what was dubbed “interpretative journalism”. This often resulted in stories being manipulated to suit the needs of the media, rather than to inform the public. Secondly, the media penchant for pursuing exposés rather than accurate reports led to an increasing mistrust of the messages being sent by the media.

In a study carried out by O'Connell (1999), the effect that media bias had on public opinion towards crime was analysed. O'Connell started by performing an extensive content analysis in order to highlight the media bias present in crime reporting. His finding was that extreme offences or crimes involving vulnerable victims and/or invulnerable offenders had frequencies of representation magnitudes higher than their actual likelihood of occurring. For example, he showed that "murder accounts for a proportion of crime stories in the press 3075 times greater than in the official figures" (O'Connell, 1999, pg 196). By comparing this statistic with serious thefts or burglaries, we can see that, based on O'Connell's findings, murders are 1,922 times more likely to appear in the news than a serious theft or burglary. O'Connell claimed that the cognitive mechanism of the availability heuristic skewed public opinion based on media portrayal and bias. This was because the media bias present in reporting practices altered how the public predicted certain events to occur. The availability heuristic is a concept that explains how individuals predict the frequency of events based on the ease of recollection (Tversky & Kahneman, 1973). With increased media representations and bias, these recollections can alter an individual's predictions of the likelihood of a given event occurring. For example, O'Connell cited a study that asked respondents to estimate whether suicide or murder caused a greater number of deaths. Because murders are given roughly 15 times more coverage than suicides in Ireland during the time span

of the study, there was an overwhelming tendency to overestimate murder as a cause of death and underestimate suicide (O'Connell, 1999). As a final conclusion, O'Connell (1999) noted that, by applying the availability heuristic to a society that is bombarded with inaccurate representations of crime, it is likely that media bias has resulted in a public opinion that is skewed regarding the realities of crimes occurring in society.

## **2.5 The evolution of crime in the media:**

Crime has become profitable to news organisations because of how it is reported. Crime scenes, offenders, victims, and consequences can all be visually portrayed to viewers in a neat package – quickly, and with powerful emotion (Lowry, Nio, & Leitner, 2003). Crime is also connected to fear, which has become prevalent within the news media. Crime-as-entertainment often provides themes or messages that the public can relate to; such as justice or revenge (Lupton & Tulloch, 1999; McCormick, 1995). The issue here is that the news media focuses on instilling a sense of fear in its viewers. Take homicide for example. A murder has an extremely high chance of being reported in the New Zealand news media, but how many people need to know that a murder occurred? Those living within the community where it occurred would have a justified interest, as well as members of any other group which are involved in the crime (for example ethnic groups, if the murder involved them). Yet the reporting of serious crimes on national news can be seen to promote death,

violence or sexual crimes to an audience which does not benefit from this knowledge. The purpose of these reports is to create a fear of the unknown, and to boost ratings among those who are morbidly curious as to the fate of others. What makes crime so much more popular than other topics (such as economics) within news broadcasts is that the fear is tangible because the victims are similar to the viewer. There is no cushion of fiction for the viewer to take comfort in; every case is perceived as real and viewers interpret the victims seen on television or in the newspapers as being similar to them or being in a situation that could potentially happen to them.

## **2.6 Media representations of crime:**

Robert Reiner (2002) summarised much of the literature and introduced many of the theories and concepts that will form the foundation of this research. Whilst his piece is nearly a decade old, the prevalence of crime within the media has not changed drastically – in fact, many of his themes and concepts still hold true today.

Reiner (2002) collates and analyses data on the amount of crime coverage in the media - and its relative frequency - from multiple studies that were conducted from 1920 to 2001. He also discusses the function of crime within fictional genres, and the way in which crime has become the genre of choice for many media outlets. Indeed, the popularity of crime as a form of

entertainment can only serve to increase the power and risks associated with the representation of crime. Reiner (2002) forms the foundation for this research in terms of understanding the rate at which crime reports have become so popular. He expresses the increase in crime coverage as a percentage of total media coverage – including breakdowns by medium (e.g. news, fiction, radio). The finding was that crime coverage had increased from 10% of news outlets stories before 1940 to approximately 30% during the 1990s (Reiner, 2002). The analysis and discussion of the relentless march of crime reporting has allowed for many conclusions to be drawn regarding the impact that this has on public discourses surrounding crime, the majority of which argue that this phenomenon has increased the fear of victimisation and given credence to campaigns such as the ‘war on drugs’ and being ‘tough on crime’ (Reiner, 2002). His work goes on to review the research that has been conducted on different aspects of crime and the media, as well as how media representations of crime can affect the fear of crime in the United States of America (Reiner, 2007). The discourses and themes that he outlines, such as the longevity of media representations of crime and the fear that this can cause, provide a condensed and accessible repository of knowledge that will contribute towards this research.

A concept to explore is the disparity between the media’s coverage of crime and the actual rate of occurrence (Barak, 1994; Ben-Yehuda, 2005; Bullock,

Wyche, & Williams, 2001; Cohen, 2002; Ferrell, 1999; Jewkes & Letherby, 2002; Kohm, 2009; Lowry et al., 2003; Manson, 2003; McCormick, 1995; O'Connell, 1999; Potter & Kappeler, 1998; Pritchard & Hughes, 1997; Reiner, 2007; Sheptycki, 2009; Stenson & Sullivan, 2001; Taylor, 2008; Waymer, 2009). This disparity is particularly relevant when looking at violent crimes such as murder, and dishonesty crimes like theft. The media often reports on violent crimes with a disproportionately high frequency compared to dishonesty crimes – with signal crimes gaining far more media saturation than any other crime (Barak, 1994; Pritchard & Hughes, 1997; Stenson & Sullivan, 2001; Waymer, 2009). However, the actual rates of violent crimes are extremely small – roughly 12 murders for every million people in New Zealand (Ewing, 2009). Dishonesty crimes however are far more frequent (Ewing, 2009), yet are rarely portrayed at all within the media (Reiner, 2002). This has led to a pervasive belief that murders and violent crimes are far more prevalent than statistics suggest. A prime example of this is the recent Madeleine McCann case in the British media, in which a toddler went missing while on holiday with her parents in Portugal - with many commentators suggesting foul play (Machado & Santos, 2009). While the child has never been found, there has been a huge backlash against the Portuguese Police, and the fear of child abductions has been heightened due to the saturation of coverage (Machado & Santos, 2009). The issue that arises with this case is that the chances of this event occurring again for any given individual are minutely small, yet the



amount of media coverage it has received and the consequences of her disappearance have been very large. It is this paradox which will be explored in further detail. It appears now that news outlets have shifted from representing the true nature, facts and danger of events to attempting to sensationalise and inspire fear in order to maintain ratings and profit margins. Indeed, it is obvious to the casual observer that dishonesty crimes receive very little attention from the media, except in cases where there are extraordinary circumstances. A local example of this phenomenon is present in media representations of crimes against tourists in New Zealand. Buttle and Rodgers (2011) illustrate that crimes against tourists in New Zealand - a country which relies heavily on its tourism industry - are deemed to be particularly important by the news media even when the risks to the safety of other tourists are relatively minimal. As such they are given a substantial presence in the news hour and garner considerable amounts of attention from the public, because the crime affects New Zealand's safe and serene image (Buttle & Rodgers, 2011).

Extraordinary circumstances are what capture the attention of the public, however it is the media's portrayal of these crimes which inform the public (Manson, 2003; McCormick, 1995; Palmer, 2000; Pritchard & Hughes, 1997). Any crime would go largely unnoticed if it were not published on national television as part of the news hour, or within daily newspapers, or featured

on talk-back radio and in order to 'make the cut' for those mediums, a crime must be deemed interesting to the public (Barak, 1994; Bullock et al., 2001; Lupton & Tulloch, 1999; Manson, 2003; Reiner, 2002; Wallace, 2008; Westerstahl & Johansson, 1994). Thus we can see that only crimes of an extraordinary nature, for example a murder, are deemed 'newsworthy' (Palmer, 2000; Reiner, 2002). Indeed, the concept of news values is an idea which impacts upon this proposed research in a large way. Palmer (2000) identifies the features which cause a story to be considered worthy of placement in the media. His analysis of the factors which allow a story to be deemed worthy of publication or broadcast adds to the theory of signal crimes. By linking these two factors together, we can see which factors allow a signal crime to be isolated by the media and then covered at a frequency higher than the chances that the crime would occur (Palmer, 2000). Additionally, his analysis allows for a different set of codification to occur in regards to content analysis. While care must be taken to acknowledge the limitations provided by Reiner (2002), such as the theoretical constraints of using positivist content analysis or the lack of reliable controlled experiments regarding the effects of media on individuals, discourse analysis will still make up the bulk of this thesis. Gathering multiple perspectives on a single sample can allow for additional links or correlations to be identified and commented on. Palmer (2000) does however have a limitation for use in this thesis that his theories are broadly linked to reporting in general, rather than

crime-related stories specifically. While he does touch on issues regarding the portrayal of crime and the ways in which crime reporters operate, his contribution is not as well-rounded and thorough as may be hoped. However, this does not mean that his findings should be discounted. The theories associated with his work will add to this research, and specifically, will link the application of signal crimes to the self-regulation of media outlets.

Following on from this is the notion raised by Barlow (1998) that the media help to construct stereotypes associated with certain groups or communities. Her specific example relates to the criminalisation of “young black males” in the USA over the period 1946 – 1995. Her work has shown that the media no longer simply represents the news, but rather attempts to convey a message or construction to its viewers (BBC, 2009). This theory has particular relevance to this research as the notion of signal crimes affecting the public’s fear of crime is linked to the media’s portrayal and construction of stereotypes and prejudices. Additionally, Barlow (1998) has made the move from viewing crime stories from a journalist’s perspective to analysing them using a holistic approach, thereby seeing the news outlet as an institution which provides a source of crime and justice information. While this shift may seem minor, it does raise a valid question which deserves consideration in this research: from which perspective should we view the media that is producing crime news? The options are generally limited to: analysing the journalist’s

perspective; examining a single piece or event which is crime-related; or scrutinising the organisation that produces the crime news. This research will employ a methodological framework that takes into account the fact that media companies often have different means of sharing their information with the public, and that different mediums may appeal to different demographics.

## **2.7 Fear of crime:**

The theoretical foundation for defining and analysing the phenomenon of 'fear of crime' has been taken from work done by Heitmeyer and Hagen (2005). In their book they outline how the perceived chance of falling victim to violence or sexual assault contributes to the fear of crime. While this research will not be limited to these two types of crime, it is clear from the majority of existing research in the field that violent and sexual crimes invoke the strongest fear of victimisation. They stress that the fear of crime is that it is a personal attitude; i.e. 'how likely is it that I will become a victim of this crime?' Also discussed is the fact that the fear of crime can affect behaviour, as well as causing emotional consequences; such as avoiding certain areas or discriminating against certain groups (Woulfe, 2009). The limitations noted in the book relate to the subjective nature of emotions. Although a study may find that being alone in a dark neighbourhood increases the fear of crime, it could simply be the fear of being alone in the dark which is exaggerating the

possible fear of victimisation or crime (Woulfe, 2009). Finally, they discuss the theoretical approaches used, and empirical data gathered, regarding the fear of crime. While this is not necessarily relevant to my own research, it is important to investigate the ways in which the fear of crime can be measured. The research that they provides is methodologically sound and provides adequate background information to support the analysis of the possible impacts that the fear of crime could have upon the public (Woulfe, 2009).

## **2.8 Public discourse regarding media coverage:**

Altheide (2009) has put forth the opinion that public discourse around the fear of crime and 'opposing points of view' has been altered by the ever-increasing use of moral panics as a tool by mainstream media. It is claimed that the fear narrative has been used to great effect in order to persuade the public that a particular phenomenon is dangerous and represents a threat to the moral fabric of society. The power of the mainstream media, and especially editorial and opposite-the-editorial page (op-ed) pieces in newspapers, has been employed to develop concrete processes by which a signal of fear or danger can be generated by journalists. These processes often use the concept of moral panics as a paradigm, or more simply, as a 'buzzword' with which to trigger fear. As a result, the public has attached connotations to certain words, phrases and ideas that the media portray. For example, due to the bias in media coverage of crime, the public is led to

believe that 'crime' is actually 'violent crime' (Altheide, 2003). It can be seen, then, that this change in public discourse is a consequence of media representations of crime.

It is not the fear of crime which is dangerous; it is the practical consequences of that fear which can harm society. For example, the increasing tendency of women to carry tasers or pepper spray is a behavioural response to the fear of attack by men – a scenario which has been repeatedly portrayed by the media, both in fictional tales and real-world crime reports (Bullock et al., 2001; McCormick, 1995). This is a practical change that has resulted from public discourse regarding the threat of victimisation, and is the result of an increasing tendency by the media to instil a sense of fear into the public.

The above factors tie into an idea called cultivation theory. Shanahan and Morgan (1999) write that cultivation theory, as applied to television, means that "those who spend more time watching television are more likely to perceive the real world in ways that reflect the most common and recurrent messages of the television-world, compared to people who watch less television but are otherwise comparable in terms of important demographic characteristics" (pg 4). This concise explanation highlights the principle that the most common themes portrayed by the media, in this case violent or sexual crimes, have a more profound impact on those who spend more time

watching television (Shanahan & Morgan, 1999). In this instance a link is created: by watching television, where one reflects the dominant messages shown and perceives their reality in ways that reflect those messages. The fear that is inspired by television entices those viewers to keep watching, in order to know where the next crime wave will occur or how best to protect themselves. Crime has always been a popular subject of debate, literature, and gossip. But never before has it been as dominant as with television media, and especially the news. Therefore it is important to fully explore and document the phenomena that arise from the overrepresentation of crime by the news organisations of the world.

### **3. Methodology**

#### **3.1 Method Selection:**

Discourse consists of the messages we infer when seeing or hearing the world around us (Wetherell, 2003). There are meanings behind advertisements, words uttered, expressions used or messages conveyed. While it may seem like common sense, it often goes unnoticed that we change our perceptions and presuppositions of people, places, situations or conditions based on these inferred messages. Sociological discourse analysis attempts to explain why there are changes in attitudes amongst the public due to language, actions, representations or symbolism (Gee, 1999).

Discourse can shape individual views through a myriad of avenues, and it is not possible to simply tune out its influence. A common example of discourse is the two terms 'freedom fighter' and 'terrorist'. They are often used to describe the same group of people, yet the two words carry different connotations. When this concept is applied to all other messages in a society, we can see that the power of discourse to shape individual perceptions and opinions is extremely potent.



Discourse analysis was chosen for this research due to the nature of the events to be studied. The value of discourse analysis has been succinctly described by Vanderbeck (2003, pg 367) who defines it as “a qualitative approach that attempts to uncover underlying structures, meanings and uses of representation through in-depth reading and interpretation”. The combination of signal crimes, a moral panic and excessive media representations means that simple content analysis will not provide an accurate or sufficiently detailed explanation for the messages that are being portrayed by the media in this research. Discourse analysis, on the other hand, offers a way to identify and explain the messages that are being communicated by the media and public during the timeframe of the selected case study (Brown & Yule, 1983). This is because, unlike content analysis, discourse analysis allows the themes to be developed as the data is analysed rather than using a predetermined code set to analyse the selected data (Vanderbeck, 2003). Critical Discourse Analysis, which was developed by Fairclough, Mulderrig, and Wodak (2011), advocates interpretation over description as a means of understanding the social context in which the text was written (Fairclough, Mulderrig, & Wodak, 2011). This social context is important because as Hall, Critcher, Jefferson, Clarke, and Roberts (1978) point out, the media act as a conduit for information between the concentrated social controllers and the dispersed public opinion. When the media act in this role, they can put pressure on either group using their ability

to spread information as leverage. Therefore the social context is especially important to determining how the media is reacting to certain groups within society. Slembrouck (2001) notes that Critical Discourse Analysis contains three different angles for interpretation: the text itself; how that text was produced, disseminated and perpetuated; and finally the social foundation underlying the text. These different angles are important for interpreting the conscious and unconscious efforts made by the media to sensationalise stories that they wish to promote, and to hide factors which may call into question the legitimacy of their reporting practices (Hall, Critcher, Jefferson, Clarke, & Roberts, 1978; Slembrouck, 2001).

The chosen method of data collection, grounded theory combined with internet searches, also interacts well with discourse analysis, as identifying key themes within each 'phase' of the timeline and the transitions are vital to explaining the phenomena of competing moral panics and shifting media portrayals of similar events. This is in part due to the flexible nature of grounded theory and the development of a hypothesis after data collection, instead of prior (Glaser & Strauss, 1967).

The timeline identified for this study covers the series of events that began with key signal crimes. In these signal crimes, parents who had used excessive physical punishment on their children had attempted to escape

criminal convictions by citing section 59 of the Crimes Act, which allowed reasonable force to be used as punishment. These signal crimes resulted in a widespread outcry, as they exposed the possibility of parents justifying potentially abusive actions by stating that the law allows 'reasonable force' to be used when disciplining children.

The definition of reasonable force is ambiguous and subjective (Buttle, 2003, 2007); this created a 'loophole' through which parents accused of excessive force could defend their actions. These signal crimes garnered enough media attention to form a moral panic in which the public was anxious and angry that those who were responsible for the deaths of those children would not be punished. The next step in the timeline involved a member of government proposing a change to the Crimes Act that would remove the reasonable force defence and make it a criminal act for a parent to use physical violence against their child. However, the response to this proposed legislation from interest groups and the media constituted another moral panic in which parents now feared that they would be arrested for smacking their child as a form of discipline. This is how the label "anti-smacking bill" came about. After the legislation was passed, there were widespread protests by family rights groups and members of the public who were critical of the government imposing restrictions on how they could raise their children. Finally, the last event to transpire during this timeline was the first charge laid under the new

legislation. The incident involved a father flicking his child on the ear in order to discipline him (New Zealand Press Association, 2008). The prosecution of this man under the new law served as a final signal event, and garnered a significant amount of attention. Throughout this process there was significant social anxiety expressed by the public due to the reporting tactics of the media. This research will identify examples of shifting media opinion from the period 2006 to 2010, and will explore the relationship between these shifts and competing moral panics.

### **3.2 Identification of relevant data sources:**

The data used for this research was sourced from news articles dating between January 2006 and December 2010. These were acquired by conducting a search on the Newztext database within these dates, using key search terms such as:

- Smacking
- Smacking bill
- Anti-smacking bill

The results of these searches will allow for further refinement of search terms, through a process of elimination of search tags contained by articles. The Newztext database returns results for keywords located in the headline and/or the main body of text. Significant articles that advance the narrative or

provide significant context to the events happening at the time will then be analysed in-depth using discourse analysis. Pieces such as editorials and opinion articles will also be included because, as stated by Hall, Critcher, Jefferson, Clarke, and Roberts (1978), articles such as these often reflect the views of more than just one person (the journalist). Instead, they act to promote the opinions or perspectives of the media outlet in which they are published, or the media as a general entity (Hall et al., 1978).

Case studies have become an increasingly relied upon method of social research (Gephart, 1999; Yin, 1994), as they allow for detailed and rigorous investigations into phenomena in their own context. This is especially important for this study as the context surrounding the different discourses on the anti-smacking bill underwent shifts and transitions as time progressed. Cassell and Symon (2004) state that case studies are an important way of collecting data that helps to explain organisational behaviour and phenomena that are influenced by the context and actions of groups as well as individuals.

It is possible to improve the validity of case studies, as a research strategy, by triangulating analytical methods (Golafshani, 2003). In other words, when analysing the data obtained from case studies, different methods can be employed in order to determine whether similar results are produced. This is

critical to ensuring that issues of validity are minimised, and that the conclusions drawn from the data are robust. One issue with triangulation as a method of improving validity is consistency (Cassell & Symon, 2004). It may not be appropriate, feasible, or even possible to use a variety of analytical methods on different case studies - as is the case for this research. It should be noted that, while triangulation may not be the best method for ensuring validity, it does no harm to use it where possible. It must also be noted that studies involving discourse analysis, and sociological research in general, often face criticism due to the limited methodologies employed or the lack of transparency within those that are provided (Vanderbeck, 2003). Therefore it is important to understand and acknowledge the limitations that exist in this study such as time restrictions, and the nature of the research to be undertaken, some sacrifices in the breadth of data obtained are required in order to keep the study within the realms of feasibility.

Validity in qualitative research also demands that the investigator be responsible for ensuring scientific rigour throughout the entire research process. This results in strategies being employed to test and confirm validity and reliability throughout the stages of investigation. The first step taken is the establishment of methodological coherence (Gephart, 1999). That is, ensuring that the methods employed match the question being asked. As noted in the literature review, many other authors opt for a content analysis

methodology when working with case studies. However, this research attempts to explain a new phenomenon that occurs due to the nature of media-influenced social anxiety; therefore, content analysis, with its simple measurement of word and phrase frequency, is not ideal. Discourse analysis is the most appropriate choice because of its emphasis on in-depth interpretation of data and the context in which data is presented (Fairclough et al., 2011; Gee, 1999).

The second step towards validity is to ensure that the sample is appropriate (Cassell & Symon, 2004). As will be explained later within this chapter, the sample for this research is limited to a specific timeframe of events which include the phenomenon to be studied. Care will be taken to only collect data which is directly relevant to the case identified. This ensures that data which does not add any significant meaning or information does not taint the conclusions drawn from relevant and significant data.

The theoretical foundation of this case study research will be Grounded Theory (Glaser & Strauss, 1967). As noted by Cassell and Symon (2004) case study research is defined not through its research methods, but rather through its theoretical foundations. The choice of Grounded Theory for this research was based on the fact that, while the phenomenon of competing moral panics is identified, the explanation is still lacking. There could be

multiple explanations for why this phenomenon occurs, and in which social contexts. As such, the choice of Grounded Theory is appropriate in order to allow for flexibility in explaining how the phenomenon of competing moral panics arose and what theories play a role in its existence. Grounded Theory allows for the analysis of data before a hypothesis is completely formulated (Glaser & Strauss, 1967). By investigating the collected data and then subsequently developing hypotheses, there is an increased chance of accurately identifying and describing the results (Glaser & Strauss, 1967). If a new theory were to be developed using case studies, this would not be unheard of. Indeed, Yin (1994) compares case study research with the work of a detective who must put together different pieces of a crime from a variety of sources. The end goal is to illustrate what happened and provide an explanation as to why - similar to a researcher attempting to provide an explanation for a behaviour, situation or phenomenon (Yin, 1994).

In order to collect relevant data for the selected case study, and ensure that the scope of the work is feasible, some limits must be identified. This is opposed by Grounded Theories' principle of 'All Is Data' (Glaser & Strauss, 1967) which suggests that everything pertaining to the study should be used as data to help describe the phenomenon being observed. The constrained collection of data is contrasted with the acknowledgement that other sources of information will be consulted in order to explain the concepts of competing



moral panics and social anxiety whilst still maintaining the data sample size within the realms of feasibility (Glaser & Strauss, 1967). Firstly, the publication date for each datum must fall between January 2006 and December 2010. This is the established timeline of the phenomenon to be studied and ensures that there is a limit to the scope of this investigation. Secondly, each datum must fall under one of the following categories: child abuse/punishment signal crime; propagation of moral panic; media bias; or media sensationalism. Dividing the data into categories will allow for easier digestion and analysis, and will also provide a filter for viewing the different phases of the phenomenon in their own context, as well as on a larger scale. In line with Grounded Theory, data will be collected until such time as no new information emerges, or the material being studied becomes scarce.

### **3.3 Identification of instruments to be used:**

The relevant instruments for a study of this size are relatively simple. The Newztext Database will be used to collect the majority of data to be analysed. Additional articles will be collected from media outlets that provide a website and/or accessible archives. Due to the near-monopoly of the New Zealand Herald, it is anticipated that the majority of data will have been published by that outlet. However, this presents an opportunity to explore the impact that a single major media outlet can have on the representations of published news stories. Newztext and media outlet websites will provide relevant data in an

ordered and easily accessible manner. Compared to the laborious nature of collecting, collating and examining physical newspaper articles, internet searches provide an acceptable avenue for data collection that falls in line with the size and time restriction of the research. It is envisioned that approximately 200 different articles will be collected for this research with an aim to comprehensively examine 50 relevant articles that contain pertinent information.

### **3.4 Proposed data analysis:**

The data will be analysed by identifying the main themes of the collected case studies. News items will be analysed along the significant events that are pinpointed in the timeline. They will then be cross-referenced so that the major messages being portrayed by the media can be explained in relation to previous work on signal crimes and moral panics. During this analysis and systematic explanation of significant events, it is envisioned that the phenomena of competing moral panics and shifting media representations will be referenced. However, due to the lack of academic literature regarding the phenomenon of competing moral panics, a new explanation will be constructed in an attempt to explain why this occurred in the anti-smacking case, and what impact it had on the public and the media. Material for this explanation will be sourced from the collected data and supported using

existing literature regarding moral panics, against which the differences and unique attributes of 'competing moral panics' will be highlighted.

## **4. Data Analysis:**

The following analysis will highlight particular events and situations where the concept of competing moral panics arises or is progressed, and what role the media plays in representing these events. Within this research, 200 different articles were initially collected with 136 being published by the New Zealand Herald and 64 from various other outlets such as The Nelson Mail, the Dominion Post, and the Taranaki times amongst others. From these 200, 48 were selected for comprehensive and in-depth analysis. Of those 48 selected for analysis, 43 were from the New Zealand Herald, and 1 each from: Bay of Plenty Times, The Press, Timaru Herald, Nelson Mail, and the Taranaki Daily News.

### ***4.1 Pre-Moral Panic: 2002 – 2005***

In 2002, days before the then-Governor General Dame Silvia Cartwright criticised the law allowing parents to use physical punishment to correct behaviour in their children (Stickley & Aaronson, 2002), 38-year-old Jake Wilson was cleared of assault charges laid against him for disciplining his stepson with a leather belt. This case stands as an example of how the media portrayed physical discipline against children before the anxiety around child

abuse reached boiling point. An article by Tony Stickley and Cathy Aronson in the New Zealand Herald (2002) uses emotive language which gives the reader a clear impression that the punishment given to Shayne Ambler (the stepson) was justified by his actions, and required to correct his behaviour. The purpose of this section is to illustrate how the media portrayed these types of cases prior to the emergence of a societal moral panic around the physical punishment of children by parents.

The case can be seen as a signal crime; one that was used later by supporters of the section 59 repeal as justification for the removal of the reasonable force clause in the Crimes Act. The language used in the New Zealand Herald article attempts to convey the message that the stepfather was justified in his punishment of the boy. Examples of this include:

*Jacob Peter Wilson felt a strapping was the only way the uncontrollable boy could be stopped from killing himself by playing chicken with the traffic.*

*He [Shayne] would disappear for hours on end, going to the local shop to steal or to the swimming pool unsupervised, though he could not swim. He would throw aggressive fits, smashing things, kicking doors and walls and swearing his head off – his bedroom had been virtually destroyed. Shayne would scratch*

*the car and cut up the seats. He had set fire to the house twice, but Mr Wilson managed to put the flames out.*

*He would smack Shayne to “snap him out of his behaviour during his worst episodes. It was the only way the boy would listen.” (T. Stickley & Aronson, 2002)*

This perspective was to change drastically over the course of the moral panic which spanned from 2005 to early 2009. The following chapters will illustrate how the connotations and imagery of parents who use physical punishment on their children as a means of discipline would change from one theme to another, and then morph again into an entirely different perspective.

The level of justification for the stepfather’s actions in the Herald article attempts to show the reader that physical punishment is acceptable and occurs in a “warm, clean house” that is “adorned with pictures of their six children” (T. Stickley & Aronson, 2002). The article serves as an example of the view of the media prior to the looming moral panic.

One of the issues present within this article is the way in which it is structured. The chosen presentation and narrative tell a story that entices the

reader to view the parents as good people who have been unlucky and unfairly targeted by the judicial system.

*The 38-year-old Mr Wilson said he loved Shayne Ambler like his own son and had never used a strap on the boy before or since the incident on February 2 last year.*

*People were making a 'big deal' about Shayne being whacked around the bum twice with a belt to correct his behaviour, but Mr Wilson told the jury that if Shayne was not disciplined he would be in and out of court and jails for the rest of his life. (T. Stickley & Aronson, 2002)*

The article places a large emphasis on the child being a danger to himself, using adjectives such as 'hyperactive', 'uncontrollable', and referring to him as a 'really mixed-up kid' (T. Stickley & Aronson, 2002). This gives the reader the impression that physical punishment was a justified course of action, and that the criminal proceedings against the stepfather were unnecessary. The article goes into further detail about what the stepson had done in the past at school, to his pets, and to other children. While this *does* paint a picture of a troubled child, it is by no means balanced. The only sentence expressing any opposition to physical punishment is a summation of a psychologist's and psychiatrist's testimony that a hyperactive child such as Shayne should never

be subjected to physical violence (T. Stickley & Aronson, 2002). This stands alone as the only opposition to the notion that the stepson needed to be disciplined physically, and is quickly rebuked by the journalists with a quote from the lawyer of the stepfather who stated that “this was a resounding ‘No, get lost’ by the jury” and that one should not ‘spare the rod and spoil the child’ (T. Stickley & Aronson, 2002).

It is also highlighted throughout the article that the mother of the child thought the punishment was required in order to prevent the boy from hurting himself. This is a common trend throughout early articles on the physical discipline of children, and recurs in later articles during the height of the ‘anti-smacking bill’ anxiety; albeit at a much less frequent rate. The emphasis placed on the boy’s risk of self-harm is used to show the reader that the punishment was not intended *only* to correct bad behaviour, but was also required in order to save the child’s life. This shifts the connotations of the act away from negativity, and paints the parents as saviours and guardians. However, it will be demonstrated that in later articles there is a distinct swing in the media towards demonising parents who use physical punishment on their children. This shifted perspective is further complicated after the legislation has passed, with the media feeding both moral panics as they compete with each other.



There is an attempt made by the authors of the article to show that the jury sided with the defendant, despite the advice of a psychologist and a psychiatrist that children such as Shayne should not be subjected to physical violence as a form of discipline.

*This was a resounding 'No, get lost' by the jury," Mrs Smith [the defendant's lawyer] said. (T. Stickley & Aronson, 2002)*

However there is no substantial proof that the jury shared that sentiment; in fact there is no message from the jury at all, except for what the lawyer for the defence is quoted as saying. Additionally, the fact that the stepfather was initially found guilty is given very little attention in the article. In fact there are only two sentences to this effect:

*For Mr Wilson, the case was a retrial after the Court of Appeal ordered a new trial with more evidence. He had been found guilty at the first trial, the jury recommending that Mr Wilson undergo a course of anger management. (T. Stickley & Aronson, 2002)*

The first trial recommended that Mr. Wilson undergo a course of anger management, which the article mentions but subsequently whitewashes. It is then stated that in the second trial - ordered by the Court of Appeals because

of a lack of evidence in the first - the stepfather referred to Shayne as a “really mixed-up kid”, and proceeded to list incidents in which Shayne demonstrated bad behaviour.

It is important to address the fact that the stepfather was initially found guilty of the charges laid against him. However there was no coverage of this in the media, and it is only after he is acquitted in a retrial that there is any mention of the case. This raises an interesting question about the motivations underlying media reporting. It could be that the first instance of him being found guilty was deemed simply not newsworthy; on the other hand, the case could have been disregarded because it did not align with the views held by the media at the time. It can also be seen by the tone and quotes used in the article that the not-guilty verdict in the second trial is seen as a victory for common sense, and for those who believe in the physical punishment of children.

It should be noted that this and the following articles have been chosen as examples of the rhetoric and discourse surrounding the issue of physically punishing children for bad behaviour. However as other authors (Altheide, 2003; Barak, 1994; Bullock et al., 2001; Taylor, 2008) have shown, there can be similar themes throughout the media organisations from which these stories originate. Media outlets often sensationalise articles in order to elicit

emotional responses in their readers. Articles such as this employ tactics used to draw empathy from the reader, directed towards those who are featured in the article. In doing so, the reporter encourages readers to think: 'this could happen to me'.

In a theoretical sense, this article exemplifies the public discourse and media attitude prior to a moral panic, and acted as a signal crime that, among others, sparked a series of events that would culminate in legislative change. In terms of moral panic theory, this article demonstrates the level of public anxiety that surrounded the issue of child abuse and punishment (Ben-Yehuda, 2005; Cohen & Young, 1973). It can be seen from this article that there was a sense of ambivalence towards parents who used low levels of physical violence against their children as a means of punishment or behaviour correction. However this is not to say that major cases of child abuse were ignored. Cases in which the child was severely injured or killed resulted in a consensus of anger against those responsible. It was the less severe cases, such as the one analysed, that show how the media and public reacted towards physical punishment *in principle*. In these less severe cases, the parents were often not blamed for their actions; by implication, physical punishment was acceptable as a form of discipline.

In terms of signal crimes, this article highlights a minor crime which added to previous signal crimes, and indirectly influenced a change in behaviour from the public and media (Innes, 2004a). While this particular crime - and the media coverage of it - did not *directly* cause a change in behaviour, it added to the series of events that raised anxiety to a sufficiently high level that legislative change was undertaken to soothe the unease. There are times when a single signal crime or event can result in dramatic and immediate change; however, according to Innes (2004a), multiple smaller or weaker signals can gradually add up and result in changes to an issue that may have been prevalent for an extended period of time. This article illustrates the latter scenario. It is important to note that this is not the only article on the topic – yet it is the best example of the many different factors that precede a moral panic.

To summarise, this article serves to illustrate the attitudes which prevailed amongst the media prior to a significant increase in anxiety around parents ‘smacking’ their children. The language used highlights the view that the accused parent was justified in disciplining the child in such a manner, and that it was the only way to correct the child’s dangerous behaviour. The journalists also add their own weight to this inference by visiting the home of the child and describing it using language loaded with positive connotations, thus giving the impression of a peaceful and innocent residence. This

impression is supplemented by the devotion of a fairly large portion of the article to a justification of the punishment, in which the authors describe in detail exactly why the parent was right to use physical punishment as a means of correcting behaviour. Finally, the article itself does not give a balanced report of the opposing views held by the first jury (who found the man guilty) or the psychologist and psychiatrist (who stated that a child such as the victim should never be subjected to physical punishment as a means of correcting behaviour).

In terms of theoretical relevance, the article highlights the relative calm that precedes a moral panic. It demonstrates that the incident in question could be considered a minor signal crime which added to the collective anxiety around the judicial tolerance of the use of force against children. By signalling to the public that using such discipline is accepted, it would send a message to members of the public who held opposite beliefs that something needed to change in regards to how cases such as this were handled. This anxiety would eventually culminate in a moral panic regarding the criminalisation of parents versus the safety of children and the ability to effectively punish those who use 'reasonable force' as an excuse for assaulting their children in the name of discipline.

## ***4.2 Beginning of the Moral Panic: 2007***

The year 2007 saw a substantial increase in social anxiety around the issue of physical punishment: wherein increased sensationalism by the media manifested in competing moral panics. The initial moral panic over parents escaping prosecution for child abuse under the 'reasonable force' clause was still strong during the first quarter of 2007; though, as the likelihood grew that the proposed legislative amendment would be made law, the anxiety over parents escaping prosecution began to wane. Concurrently however, the fear that children were dying or being violently assaulted was substantiated by cases such as the death of Nia Glassie who died of brain injuries in hospital after suffering months of abuse at the hands of her immediate family (Rowan, 2008d). This appeared to merge with the fear of parents escaping criminal prosecution and formed one of the two competing moral panics. The second was the substantial social anxiety around the potential for the criminalisation of 'good parents' under the new law. These two moral panics were simultaneously sustained by a single media outlet which used sensationalist tactics in order to elicit significant emotional responses from readers. This resulted in a year of events that would prove significant to the narrative of this research, as well as being pivotal to the discourses surrounding these issues within New Zealand society.

#### 4.2 A)

Published in February 2007, an editorial entitled “A ban on smacking is the right way forward for New Zealand” serves as a prime example of one of the moral panics that was brewing at the time: the fear of child abuse. The article conveyed the message that the section 59 repeal, also known as the anti-smacking bill, needed to become law as soon as possible (Editorial, 2007). At the time, the bill was in its infancy and was coming up for a second reading in parliament; yet there was already a high level of interest surrounding the implications of the bill if it were to be passed. The article highlighted the hurdles facing the bill and argued strongly for MPs to support the passing of the bill:

*The passing of the anti-smacking bill through its second reading at Parliament was a welcome step towards dealing with child abuse. (Editorial, 2007)*

The article’s author identified the middle-class and religious groups as enemies of the bill. This aligns with Cohen’s theory of the identification of folk-devils, who are used to eliminate ambiguity and clarify exactly who the public should fear (Cohen & Young, 1973). The following quote exemplifies

the folk-devil tactic by naming those who have been accused of threatening the bill's principle sponsor, Sue Bradford:

*Just how far the most extreme and irrational opponents of the bill will go was shown by the CYFS Watch website death threat against Bradford this week. But MPs have an obligation not to be cowered by the fear of a middle-class or religious backlash against them if they vote for the bill. (Editorial, 2007)*

A common trend amongst other articles was the expression of a fear that religious groups would put pressure on MPs, increasing the likelihood that the bill would be amended or defeated entirely. This can be seen as an attempt by journalists to instil a sense of anxiety and urgency amongst readers. By identifying an enemy, journalists pinpointed group/s that supporters of the bill could hold responsible for disruptions, protests, or – potentially – the bill's defeat. However this was not a moral panic for one's own safety; instead, it related to societal agitation which was exaggerated by intense media scrutiny and promotion (Altheide, 2003, 2009; Ben-Yehuda, 2005; Cohen, 2002; Cottle, 2003). While it is true that religious groups (for example the Destiny Church) were opposed to the bill, they were not its only opponents; nor were they necessarily the loudest. However, in media coverage that supported the bill, religious groups bore the brunt of the blame, and were labelled as enemies of progress.



In addition to identifying an enemy (or Cohen's folk-devil (2002)), the author of the editorial also used emotive language in order to sensationalise the enemy/folk-devil and impose particular connotations on that term and group. In this particular editorial, opponents of the bill were labelled "extreme and irrational"; terms which conjure up particular images in a reader's mind. In particular, the term 'extreme' can be associated with 'extremists', a word that has been appropriated by the media to signify individuals and groups that are directly opposed to the societal status quo, as it is understood by most readers (Ben-Yehuda, 2005; Editorial, 2007; Ferrell, 1999; Ferrell & Websdale, 1999; Goode & Ben-Yehuda, 1994; Westerstahl & Johansson, 1994).

However the article also contains constructive material intended to promote informed debate on the bill - even if that debate is contained within one side of the issue. Importantly, the journalist attempted to explain why there was a problem with the wording of the current laws and the subjective nature of 'reasonable force' or the "logical absurdity of inserting a smacking provision into an anti-smacking bill" (Editorial, 2007).

*Those who raise the spectre of the police intruding into law-abiding families and asking trivial questions about the discipline of children are being far-fetched; they should reflect on another scenario, that perhaps the police will be*

*able to use a law change to more effectively intervene earlier in families suffering domestic violence. (Editorial, 2007)*

This type of rhetoric was an important first step towards promoting an intelligent and rational debate on a contentious issue. However as the year progressed, this rationality was to be overrun by a significant increase in articles that played to readers' fears and intensified the moral panic around the possible consequences of the bill.

Though it was intended as a thought-provoking piece, one cannot help but notice that the journalist had a clear agenda and was not particularly ashamed to display it. In terms of signal crimes theory, there is no crime identified here and the article does not mention particular cases (Innes, 1999; Innes & Fielding, 2002). On the other hand, when looking at the article in light of moral panic, it is obvious that the use of language, clear bias, and most importantly the identification of an enemy or 'folk-devil', only add to the agitation and anxiety exhibited by the public. It can be argued that articles such as this are reflections of society's own discourse; however they also contribute to a growing discourse of fear, and can spread one person's message to a sizeable audience. It is this power which must be scrutinised: the identification of particular enemies can sometimes be erroneous, and there is

very little recourse one can take if branded an enemy by a popular media outlet.

#### **4.2 B)**

Alongside the articles expressing support for the bill, an increasing number of opposing articles began to appear. These articles raised counter-arguments to the passing of the bill, and sought to exaggerate its potential threats to parents and families. Additionally, the headlines and language used in the opposing articles reflected brewing discontent amongst the public. While there were no specific crimes reported in these articles, they fanned the flames of public anxiety with their language and provocative headlines. The absence of specific crimes or incidents in the articles means that signal crimes theory is not applicable within this section. The claim can be made however that each article acts not only as a magnification of public discourse, but also as a signal itself that fear levels were increasing (Innes, 2004a; Jefferson & Holloway, 2000).

The first article used the opinion of an elite Queen's Counsel lawyer to endorse the idea that the bill could make 'time-outs' illegal.

*Frantic lobbying to defeat the anti-smacking bill has taken a new turn, with a prominent Queen's Counsel suggesting it could become an offence to simply move a child to 'time-out'. (Oliver, 2007)*

The use of an elite observer such as Peter McKenzie, QC, to put his name and status behind such a claim, further heightens the public anxiety that parents' rights could be infringed upon (Gleicher & Petty, 1992; Petty, Wegener, & Fabrigar, 1997). This is because public sentiment is often a reflection of media representations, and having a high profile commentator make such claims adds a sense of legitimacy to the connotations expressed by the media. Thusly, it serves to legitimise the consequence purported by the media that the rights of parents could be infringed upon. The article is balanced by a rebuttal of reasonable size and similar sensationalism:

*But as Mr Copeland urged other MPs to vote to change the bill, Ms Bradford fired back by drawing attention to the history of the QC who wrote the legal opinion for Mr Copeland. Peter McKenzie, QC, has represented several groups which argue moral stances on issues. He has acted for the Society for the Promotion of Community Standards in film censorship cases, and for the anti-abortion group Right to Life. Ms Bradford said the legal opinion was a weak attempt to sabotage her bill at a very late stage. 'I don't believe that Mr*

*McKenzie has any more credibility on this than he has on any of his other failed moral crusades,' she said. (Oliver, 2007)*

Yet as research suggests, a headline such as “Time-out Could Become Illegal, Says QC” alters the context in which the article is read and understood (Andrew, 2007; Ifantidou, 2009; Perfetti, Beverly, Bell, Rodgers, & Faux, 1987). It is also known that many readers simply scan the first few lines of an article after reading the headline (Dor, 2003; Perfetti et al., 1987). By placing the rebuttal in the middle of the article, the author ensures that few readers will access the information that corrects a misleading claim presented in the headline and first ten lines.

Another article published in the Timaru Herald on 10 March 2007 presents one of the more interesting angles in the debate around the proposed repeal of section 59. This article, entitled “Fearful of Bradford’s Bill”, tells the story of a mother at the centre of a prominent child abuse case - which can be considered a major signal crime – and presents her fear that the bill would ruin families (“Fearful of Bradford's bill,” 2007). The use of bystander quotes to paint a foreboding future for ‘average families’ such as hers forms the basis for one of the key public discourses surrounding the opposition to the bill (Wallace, 2008).

*'A 30-second sting on the bum has cost my son three years of life with his family. And I'm still fighting for custody of my son. It hasn't mattered that I was found not guilty.' She claims the incident was 'totally controlled'. 'The anti-smacking bill is opening up for a lot of trouble. It's entirely destructive and that's what will happen to average families. They will be ruined.'*  
("Fearful of Bradford's bill," 2007)

The moral panic that was underway at this point was spurred on by articles such as this, which spread sensationalist accounts of potential outcomes of the bill. One line is particularly striking: "The anti-smacking bill is opening up for a lot of trouble. It's entirely destructive and that's what will happen to average families. They will be ruined." ("Fearful of Bradford's bill," 2007). While it is entirely acceptable - and often encouraged - for opinions to be voiced and shared, it is important that they are informed and reasonable. Using the testimony of a woman who was charged with assaulting her child *before* the law had passed its first reading - and implying that she was victimised by it - is a seemingly flawed and misleading way to argue for its defeat.

In her final quote in the article, the woman claims that "the discipline was the best thing that ever happened to [her son]". The inclusion of this statement in the article serves only to justify the punishment that was administered

("Fearful of Bradford's bill," 2007). This is a common theme in articles which promote the notion that the passing of the bill would result in the ruin of families around the country. The idea of justified physical discipline is included in order to incite notions of an Orwellian 'big brother' intruding on the private concerns of the family, and implies that parents who have been charged with assaulting their children were acting out of love, necessity, or both.

*'I really love my boy and I didn't have a choice. I've been painted as being violent even when I'm not.'* ("Fearful of Bradford's bill," 2007)

This particular article uses the words 'ruined', 'fear(ful)', 'destruction', and 'destructive' multiple times to illustrate the potential danger that the reader is in, and to suggest the negative outcomes that a repeal of section 59 could elicit ("Fearful of Bradford's bill," 2007). Indeed, the reverse occurs in articles which support the bill. Here, abusive parents are painted as villains who have resorted to an archaic form of punishment from which society has progressed (Editorial, 2007; Roughan, 2007).

The use of social research, such as polls, within newspaper articles is a time-honoured tradition. Yet in times of panic or social anxiety, such research is often used as a tool to substantiate opinions or to confirm biases already

conveyed (Crespi, 1980; Hoffman, 1979; Miller & Hurd, 1982). In the case of a 2007 New Zealand Herald article, social research was used to substantiate the claim that the vast majority of New Zealanders opposed the repeal of section 59. This, however, raises methodological concerns. There was no mention in the article, for instance, of the questions asked or the demographics of the population sample, among other key factors. That being said, the purpose of this discussion is not to identify methodological shortcomings; rather, it is to discuss the place of unreliable research in media articles and the impact it can have on those who read it. Due to the fast-paced nature of news reporting, proper academic research cannot reasonably be carried out. Instead, there is a heavy reliance on public opinion polls to illustrate, in broad terms, the general sentiments of members of society. However, due to the power of media outlets as social conduits, there is a tendency to frame poll topics or questions in ways that will suit the interests of the media outlet itself (Crespi, 1980; Hall et al., 1978). This tendency calls into question not only the validity of the data being presented under the guise of objectivity, but also the reason why the article was published in the first place. As noted by Hall et al (1978), sensationalist reporting is not unconscious; therefore journalists' intentions should be investigated with a critical eye. In this case we can see that the author attempts to illustrate the supposedly overwhelming opposition to the anti-smacking bill by presenting poll results - perhaps further influencing the



opinions of those readers who assume that the article is objective and unbiased.

In the article “Parents Demand Right to Smack”, published on 27 March 2007 in *The Nelson Mail*, a previously identified ‘enemy’ or ‘folk-devil’ was altered to appear as a victim of a government attempting to overstep its boundaries (M. Stickley, 2007). For the first time in the anti-smacking bill debate, we see the media altering its portrayal of religious groups. These groups were first identified as strong opponents of the bill in February 2007, and were branded as ‘extreme’ and ‘irrational’ (Editorial, 2007). Yet in the *Nelson Mail* article there is an attempt to convey the message that these groups are instead fighting the ‘good fight’ to prevent the government from becoming ‘big brother’. The oft-repeated sentiment in the article is that the choice to smack one’s children is a “God-given right” and that “there’s a difference between abuse and a gentle smack” (M. Stickley, 2007). These themes became cornerstones of the oppositional discourse surrounding the bill, and were repeated in many sound-bites, interviews, and quotes. By claiming that God had given parents the right to smack their children, opponents of the bill were citing the justifying power of an authority they deemed higher than the state. The line between abuse and a gentle smack is not simply black and white, and the cases which first sparked the moral panic around the abuse / discipline distinction were testaments to this fact.

The final article to be examined in this subsection, entitled “Hundreds Protest Anti-Smacking Bill” was published by the New Zealand Herald on 28 March 2007. The purpose of examining this article is to highlight some of the more extreme language used in the debate around section 59. The first quote questions the legitimacy of one of the architects of the bill: “the childless Prime Minister thinks she knows better than the public” (Tourelle, 2007). This is an attempt to discredit the Prime Minister and to bolster support for those who ‘know better’ because they have children. The article goes on to argue that:

*What they [supporters of the bill] are actually doing is adopting the same fascist ideas as the Nazis and using our police force that we pay for to enforce it. (Tourelle, 2007)*

While quotes expressing similar sentiments had appeared in other articles written on the bill, none had referenced the tragedy and tyranny of Nazi Germany. In retrospect, it is hard to understand why any media outlet would have published a quote such as this for any other reason than to garner outrage and attention. It is just such evocative sentiments that most effectively inspire fear amongst the public. Readers will interpret extreme quotes in extreme terms - and will tend to react strongly either *with* or *against* the point

being made. Throughout the article, children are used as pseudo-experts to explain why they felt the bill was a bad idea. A 12-year-old is quoted as saying “there is no other way to discipline your kids [than smacking]” (Tourelle, 2007). This adds very little weight to the argument; instead, the quote serves to further sensationalise the issue by implying that children want to be smacked. The article wraps up with an ironic use of a quote from Sue Bradford, the bill’s principle sponsor: “a lot of misinformation has been circulated and needless fears have been whipped up...” (Tourelle, 2007). It seems ludicrous that a journalist would be so happy to quote Ms. Bradford on the spread of misinformation, when they had previously included a quote comparing the bill’s supporters to Nazis. This illustrates the hypocrisy commonly found in the reporting of the ‘anti-smacking bill’.

#### 4.2 C)

One of the cases that motivated Sue Bradford to introduce the bill to repeal section 59 involved a mother who was acquitted for disciplining her child with a horse-whip (New Zealand Press Association, 2005). This case can be considered a primary signal crime in that the use of ‘reasonable force’ to escape criminal conviction caused a large outcry amongst the public.

In April 2007, the New Zealand Herald ran two stories related to the mother at the centre of what was dubbed ‘the horse-whip case’. The first was

published on April 14 and was entitled “Mother Acquitted of Riding Crop Assault Speaks Out”. The article reveals that the mother had defended her actions in an internet video hosted on popular video sharing website YouTube. In the video, she stated that she was “fed up” with media and politicians using her case to justify the anti-smacking bill, and that Sue Bradford had lied about her case (New Zealand Press Association, 2007b). She went on to state: “I have never ever beaten any of my children. I’ve disciplined them appropriately when they have needed it” (New Zealand Press Association, 2007b).

The article conveys the view that the woman was being unfairly persecuted for a crime of which she had been acquitted. One cannot make a villain out of an individual because a law is used in a manner not congruent with the public and political discourse of the day. It is ironic that the New Zealand Herald would publish this story, considering that the woman at the centre of the case labelled them as one of the entities that had vilified her (New Zealand Press Association, 2007b). However, as moral panic progressed, media portrayals of the woman became increasingly negative; it was her last line in the above quote that would haunt her.

On April 15, the New Zealand Herald once again published an article on the mother at the centre of the ‘horse-whip’ case. In this second article, the

journalist details fresh allegations that the mother and her husband had been accused of hog-tying their son and then kicking and punching him (Cook, 2007). The charges laid were assault and assault with intent to injure - a far cry from punishing their child with a horse-whip. Yet the re-emergence of the previous 'signal' only adds to the building anger and anxiety within society. The actions of the mother can be read as one of the primary signals that was exploited by media outlets, prompting the chain of events that resulted in a change to the law. Had there not been an outcry by opponents of this first moral panic, there is every chance that the law could have passed without receiving much in the way of public attention. However, the emergence of a second moral panic resulted in a long and protracted debate, in which previous cases were regurgitated by media outlets keen to maximise revenue by exploiting the public reaction to the bill (McRobbie & Thornton, 1995). Although a mother's severe cognitive dissonance around what constitutes punishment *could* be considered newsworthy, the publication of her requests to be left alone (and coverage of her subsequent criminal charges) adds little insight into the issues surrounding the repeal of section 59 of the New Zealand Crimes Act. The recycling of signal crimes often occurs when there is something to be gained by looking back at a particularly poignant case or incident. More often than not, the party who stands to 'gain' is the media outlet, which attracts readers and revenue through the construction of familiar characters in the narrative of an ongoing moral panic. This fits well

into the theory of collective memory and signal crimes developed by Innes (2004a). He emphasises that previous events can sit within a society's collective memory and be used to influence perceptions of future cases which involve the same, or similar, actors or events (Innes, 2003, 2004a).

#### 4.2 D)

In another appeal to those who supported the proposed bill, the New Zealand Herald ran a story on May 4 2007 about a mother who had been convicted of assaulting her son, and who subsequently pledged support for the repeal of section 59 of the Crimes Act. The article contributed to the moral panic that children could suffer horrendous abuses under the (then) current legislation, and implied that even those who had been convicted for beating their children with wooden spoons were in favour of a change to the legislation.

*A Hastings woman who beat her son with a wooden spoon says she regrets her actions and supports the new anti-smacking bill. 'Every time I think about it, I think, 'I'm a real pig',' she says. 'There's no excuse for it. Our children don't deserve it, especially my son.'* (Rowan, 2007)

This conveys the idea that the mother has 'seen the light' and is in a position to persuade those who may be undecided that a change to the legislation is needed. The article leans heavily on quoting her attitudes toward the assault

of which she was convicted; yet very little weight is given to the consequences of her action. She is portrayed as a single parent pushed to the edge who ‘snapped’ and assaulted her adopted son with a wooden spoon – and who, despite her conviction, endorses the changes to the New Zealand Crimes Act. This message was intended to resonate with those members of the public who were on the fence and, and aimed to inform which position they should take (Rowan, 2007). One of the ways that the article achieved this is through the emotive and sensational headline: “Child-beater Regrets Actions, Supports Anti-smacking Bill”. The term child-beater is emotionally loaded and conjures vivid images in readers’ minds. Additionally, the headline sends the clear message that if a “child-beater” supports the anti-smacking bill, there is no excuse for anyone else to oppose it. However this one-sidedness is by no means indicative of the tone of the Herald’s other articles on the bill. Indeed both moral panics – around the legal loophole for child abuse and around the right to discipline one’s children without government intervention – were supported and perpetuated by the same media outlet: the New Zealand Herald. While other outlets added their own voices and opinions to the moral panics, the New Zealand Herald is New Zealand’s largest and most influential newspaper; thus it had the scope and ‘reach’ to stimulate both panics simultaneously. While it would be difficult to quantify the extremity and frequency of the Herald’s ideological swings on the anti-smacking issue, the recurring theme of promoting fear within both sides of the debate is

evident in the range of articles the paper published (Australian Associated Press, 2007; Cook, 2007; New Zealand Press Association, 2007c; Oliver, 2007; Rowan, 2007; Tourelle, 2007). The phrase 'covering all bases' comes to mind here; it made economic sense for the Herald – an outlet which thrives on sensationalism – to stoke the fire of fear.

#### 4.2 E)

Towards the end of 2007 the discourse surrounding the repeal of section 59 – which had been passed in May – shifted once again. The anxiety expressed by the media that children were under threat from parents who would escape prosecution began to wane, and was replaced by a suspicion that the laws did not actually change much at all.

On November 15, an article was published which claimed that predictions of the effects of the anti-smacking law had been proven wrong (New Zealand Press Association, 2007a). There was a fear among the bill's opponents that its passing would result in a sharp rise in abuse notifications to Child Youth and Family Services (CYFS). However the November article stated that no such rise had been detected by the Ministry of Social Development, and that these fears had been unjustified:



*Opponents of Ms Bradford's bill, which was passed into law in May this year, claimed it might lead to a big rise in abuse notifications to Child Youth and Family (CYF) as people reported parents who smacked their children. But Ministry of Social Development chief executive Peter Hughes yesterday told MPs on Parliament's Social Services Committee that there had been little noticeable impact in that regard. (New Zealand Press Association, 2007a)*

Here we can see a media outlet backing away from a point that it had previously emphasised: that there was a significant chance that the law change would see parents indiscriminately criminalised. Before the bill was passed, the New Zealand Herald had held this view – and had used sensationalist tactics to elicit fear over the potential outcomes of the bill. The actual outcome, however, was minimal. There was very little change in the policing of domestic situations, and the number of cases presented to CYFS remained relatively stable (New Zealand Press Association, 2007a). In 2008, to reignite debate in the apparently anti-climactic aftermath of the bill's passing, media outlets would begin to heavily promote the views of protestors who opposed the bill.

The second article that exemplifies this phenomenon of anxiety stagnation was published on December 20 2007, and was entitled "New smacking laws make little impact". The article summarises the results of a police review

which was undertaken to measure how the law change had affected police workload. The article reported that from June 23 to September 28 there “was no increase in the number of smacking events police attended” (Gay, 2007). Additionally, the article included a paraphrased quote from Deputy Police Commissioner Rob Pope, in which he confirmed that the claim “that the repeal of section 59 would lead to the prosecution of parents and the removal of children from their homes has been proven wrong” (Gay, 2007). As the article shows, the media were aware that very little had changed within society following the repeal of section 59; however, future events would show that this did not discourage media outlets from promoting the view that the family unit was still under threat from this new legislation.

#### **4.2) Conclusion**

In the year 2007, months of media fear mongering and moral panic culminated in the passing of the ‘anti-smacking bill’, which repealed section 59 of the New Zealand Crimes Act – removing the legal justification for parents to use ‘reasonable force’ to discipline their children. While there was a concession that parents would be able to ‘lightly smack’ their children, the general consensus surrounding the bill was that physical discipline of children was no longer tolerated by the government.

The beginning of the year was characterised by competing moral panics which were supported by increased media coverage – given to both the potential consequences of the bill for ‘good parents’, and to the opposing view that a ban on physical discipline against children was a way forward for New Zealand. What could be considered simply a debate of the issue at hand was in fact a pair of competing moral panics: the fear that good parents would be criminalised, and the fear that children would continue to be abused by parents who could not be prosecuted. Both of these moral panics played on the contentiousness of justice within society. Justice was a prominent theme over the period February to April 2007, as discussions progressed on how ‘justice could be served’. Arguably, the central fact that spawned two competing moral panics was the notion that, through sacrificing the right to discipline one’s own children, there could emerge an opportunity to prosecute parents who took this discipline too far. Fear was widely used; it was claimed, for instance, that putting a child in ‘time-out’ would become illegal under the new law. This can be seen as an attempt by media outlets to sensationalise consequences that were never going to eventuate. Additionally, within both moral panics, fear was used to sensationalise particular groups as enemies who were attempting to harm those most vulnerable (children) or that which is a foundation of society (the family unit).

The concept of competing moral panics is particularly interesting in this case because the opposing views were primarily perpetuated by a single media outlet (the New Zealand Herald) playing 'both sides of the field'. While it can be argued that this was simply good reporting, and that to only cover one side would be to show blatant bias, there is an argument to be made that sensationalising both sides of a debate serves no purpose other than to 'ratchet up' the levels of fear and anxiety present within society. That is precisely what occurred in 2007 over a bill which was intended simply to protect children; the years which followed would demonstrate the consequences of this double-dose of fear on the general public.

During 2007, the notion of major signal crimes being placed within the media was not especially prominent to readers of the New Zealand Herald. Although prior to 2007, certain cases could be easily described as signals which prompted changes in public discourse around child discipline and abuse. However, within 2007, there were few cases of child abuse portrayed by media outlets. Instead it was the signal crimes of the previous year which resulted in enough social anxiety to push both sides of the 'smacking debate' into full blown moral panics. Without single crimes, or particularly controversial remarks, the debate may well have slipped to the wayside. That being said, the signal crimes which prompted these phenomena can be seen as having been replaced by a continuous moral panic, in which single crimes

or incidents were passed over by the media in favour of a broader current of fear.

In May 2007 the bill passed – with the added provision that parents could ‘lightly smack’ their children. What followed were, for all intents and purposes, lacklustre articles published in an attempt to stir the same emotions that were present prior to the passing of the bill. Articles detailing how a parent convicted of assaulting a child had come to support the bill added nothing except fear to a debate that could already be considered settled. However, the continuing publication of articles relating to the anti-smacking bill kept the coals of debate burning through to 2008, when a citizen-initiated referendum on the repeal of section 59 was launched. This reignited social anxieties, and a new series of articles aimed at generating revenue through sensationalism and fear would emerge.

### ***4.3 The Moral Panics of 2008: Consequences of the Anti-Smacking Bill***

In 2008, there was a distinct push by the media to promote the notion that the anti-smacking bill was simply not working (Ford, 2008). Additionally, it was claimed that the new law had negative consequences for people such as foster parents due to rising concerns that they would be prosecuted if they smacked their children (Collins, 2008a). The fear arose once again that 'good parents' would be prosecuted for using physical discipline. This was exacerbated by the case in which a musician was taken to court for allegedly smacking his child – however these were bruise-inducing assaults, instead of the 'light smack' that the media implied would land a parent in jail.

Also in 2008, a referendum on the bill was proposed. There was considerable discussion in the media supporting the (supposed) fact that the majority of New Zealanders were opposed to the bill, and that a referendum was required. However, one could argue that the stance taken by the New Zealand Herald contributed to the fact that parents were afraid of the bill, and therefore demanded a referendum that was not actually needed.

### 4.3 A)

The year 2007 was a particularly fruitful year for media outlets keen to promote moral panic; yet at the end of the year we saw an admission by those same outlets that the anti-smacking bill (by this time passed) had had very little effect (Gay, 2007; New Zealand Press Association, 2007a). However, a resolution was obviously made to once again sensationalise the consequences of the bill in 2008. This started with an article run by the New Zealand Herald which made the claim that fear surrounding the anti-smacking bill – namely the fear that smacking a child would result in criminal prosecution – had dissuaded foster parents from continuing their service (Collins, 2008a). The headline reads: “Anti-smacking Worries Push Foster Parents Out”. This is a fairly strong use of language and definitely implies that there had been a significant drop in willing foster parents solely due to the anti-smacking bill. This is further promoted by the first set of quotes within the article, which state that:

*The repeal of section 59 of the Crimes Act, which allowed caregivers to use reasonable force to ‘correct’ children, had made a chronic shortage worse.*

(Collins, 2008a)

The issue here is that further on in that very same article there are statements that directly contradict the initial claim that the anti-smacking bill is

discouraging foster parents. Indeed, the consensus in the rest of the article is that the shortage is due to a lack of funding for foster parents from CYFS and a lack of professionalism within that particular agency.

*However, other foster care groups said the smacking law was not a factor for their members. Both Carolyn Hill, who chairs the national Family and Foster Care Federation, and Foster Care Auckland Chairman Byron Perkins said they had not heard of any caregiver leaving because of the law change. 'People are leaving because they are dissatisfied with CYFS,' Mr Perkins said. 'It comes down to the whole area of professionalism and payments because both couples have to go to work to earn the money to pay the mortgage.'* (Collins, 2008a)

The final nail in the coffin comes from the last line of the article, in which a CYFS spokeswoman says that “the repeal of section 59 made no difference to the service’s lone-standing policy against any ‘physical punishment’” (Collins, 2008a). The author of the article must have been aware that foster parents were bound by a policy against physical punishment; yet in spite of this, he implied a connection between the new law and the shortage of foster parents. This case clearly displays the cognitive dissonance evident in journalists’ attempts to sensationalise redundant claims, and promote fear or anxiety within society when there is none brewing independently. It is



acknowledged within the article that, while some foster parents are fearful of the new law, none had given up caring for foster children. This can be seen as a consequence of moral panic, which serves to further promote its own panic within the broader society. Had fear-inducing rhetoric been absent during the repeal of section 59 of the Crimes Act, then articles such as this would not have been published, and further fear would not have been instilled in parents. Concerns about the bill's 'far-reaching consequences' would not have been artificially created; especially when, in reality, no adverse effects had been measured.

#### **4.3 B)**

On January 26, 2008, the Bay of Plenty Times ran a front-page article entitled "Smacking Law Must Go, Insist Thousands". The article details the efforts of organisers to obtain an estimated 300,000 signatures required for a citizen-initiated referendum (Ford, 2008). This referendum was a direct response to the amendment to section 59 of the Crimes Act, and was spearheaded by independent politicians and leaders of family-focused groups. In order for the referendum to take place, ten percent of the country's eligible voters were required to sign petitions. In this context, the January article was in a position to make a major impact, by influencing those who had not yet signed to do so. Although the organisers of the petition used their own advertising in order to elicit signatures, the Bay of Plenty Times played a role. Newspapers are

generally considered by the public to be objective in their commentaries on society (Hall et al., 1978). Yet in this instance, we can see that a newspaper article was attempting to influence those voters who were not aware of the referendum, or maybe more importantly, were unsure what the rest of the country was doing and as a result might wait to make their decision until they are made aware, which is conveniently done through the media. A significant amount of coverage assumed that the petition would succeed, and that this success indicated that the majority of voters were against the bill.

*Mr Baldock said the positive response to the petition was proof the anti-smacking bill should never have gone through in the first place. He said almost 80 per cent of New Zealanders had opposed the bill and the fact that it had gone through despite such a strong opposition showed Parliament was not listening to voters. (Ford, 2008)*

Yet in reality, the “positive response” to the proposed referendum only showed that ten per cent of the voting population was against the bill at that time. However headlines such as “Smacking Law Must Go, Insist Thousands” contribute to the feeling that one should become part of the majority and sign the petition to repeal the amendment. This is an example of a media outlet using its position as social commentator to promote an image of ‘popular opinion’. While the future results of the referendum would show this public

opinion to be true, at the time of the article's publication there was no definitive way to tell that "almost 80 per cent of New Zealanders opposed the bill". It is clear, then, that the inferences and presuppositions made by media outlets can have consequences which exceed the reach generally considered reasonable for groups with a primary (putative) reporting function. However, due to the nature of media outlets and their power to control how information is disseminated, we can see that there may be hidden agendas behind the publication of some news articles.

#### 4.3 C)

In 2008 there were two cases that shocked and polarised the general public of New Zealand: the murder of toddler Nia Glassie, and the prosecution of musician James Mason. The murder of Nia Glassie was used by the media as proof that New Zealand was in the grip of an epidemic of violence in which vulnerable children were suffering. This case, involving with the gruesome and avoidable death of an innocent child, pushed that sentiment to the extreme. The death was used by the media to highlight just how bad child abuse can get, and to investigate its more extreme consequences. On the other hand, the prosecution of James Mason was heralded as a prominent test case for the new legislation that had been passed in 2007. Mason was accused of hitting his son and flicking his ear, and was charged with assault against a child. What would eventuate, though, was an interesting portrayal of the case

by the media, who attempted to alter how society would perceive what was – in reality – a mundane case with little relevance to the new legislation.

The murder of Nia Glassie occurred in July 2007, and was considered one of the most horrific cases of child abuse that New Zealand had seen in recent years. It is tragic that such a case occurred, and because it occurred so close to the moral panics surrounding the anti-smacking bill it was co-opted by media and interest groups, where it was politicised in a manner detrimental to rational political debate. When the trial began in October 2008, the country was bombarded with the grisly details of how Nia was subjected to “days, weeks and probably months of abuse before she died” (Rowan, 2008d). The case can be seen as a classic signal crime, in that it drove further discourse and change by the way it was presented in the media (Innes, 2003, 2004a). The smiling face of the victim Nia Glassie stared out from every report. This is a hallmark of signal crimes, in which innocent and ‘angelic’ victims are shown to have suffered, eliciting further comparisons between the viewers and the victim (Innes, 2004a). This is then further exaggerated in the media through the strategic bolding of particularly shocking aspects of the case:

*Nia was also subjected to wrestling moves inspired by television and video games and, citing WWF in particular, he said ‘**Kicked in the head**’.*  
(Rowan, 2008d)

*Nia Glassie was unconscious, having fits and frothing at the mouth for 36 hours before her family sought medical help, a court has heard. (Rowan, 2008c)*

*One juror cried as Mr Pilditch outlined the allegations against the four, including that they: Forcibly placed Nia on a clothesline and spun her around until she fell off, twice repeating the action while standing around laughing. (Rowan, 2008c)*

*A child witness saw Nia Glassie 'slam dunked on the ground', choked and put into a hot tumble dryer until her head bled, the trial into the three-year-old's death heard today. (Rowan, 2008a)*

While it is clear that the case carries all the hallmarks of a signal crime, the emphasis added by media outlets covering the case (particularly the trial) added fuel to the fire. As the trial continued, the emotive and sensationalist media accounts of Nia's death continued also. There was a particular focus on eliciting emotion from readers by providing graphic details of the abuse Nia suffered before her death, by illustrating distress amongst jurors, and by using bystander and witness quotes to illustrate the profound effect that Nia's death had had on them (Rowan, 2008a, 2008b, 2008c, 2008d). The discourse

surrounding the case recalled the moral panic of 2007. While the Glassie case was magnitudes worse than a 'smacking', it was used to illustrate the plight that New Zealand faced in terms of violence against children due to the high level of violence and aggravation:

*Children's Commissioner Cindy Kiro said preventing child abuse was a much more complex problem to solve. She said those responsible for Nia's death needed to be punished, but more deaths would occur without a greater focus on early intervention in troubled families, education and employment. (New Zealand Press Association, 2009)*

The power of the Glassie case to influence the public was amplified by the emotive and descriptive tactics used by the media to further sensationalise the tragedy that had occurred.

The other important case to play a role in this narrative was that of James Mason, who was charged with assault against a child after he purportedly punched and flicked his son's ear (New Zealand Press Association, 2008; Newstalk ZB, 2008). Mason was immediately labelled as the first to be charged under the new anti-smacking legislation, and the case generated excessive media coverage. This case proved to be a goldmine for media outlets as it appealed to both sides of the 'smacking debate'. Those who

opposed the new legislation reeled over the fact that something as innocuous as flicking an ear could warrant police prosecution. They saw Mason's actions as reasonable punishment for dangerous behaviour, and cried that this was exactly the type of consequence they had predicted: good parents being criminalised for 'smacking' their children (Booker, 2009). However, supporters of the bill were quick to point out that Mason was also accused of punching his child, with what was later claimed to be a closed fist.

*I'm not surprised that Christchurch musician and father-of-six Jimmy Mason has continued to play down the actions that led to his conviction for assault last week. But the rest of us really shouldn't encourage him....When the case first came to light last year, Mason insisted that all he'd done was pull his 4-year-old son's hair and flick his ear. Opponents of the Section 59 amendment rejoiced. He was dubbed the 'ear-flick dad'; proof that the Section 59 amendment criminalised good parents....But it was a little more complicated than that. A witness heard Mason yelling at his son, and then saw him yank the boy's ear and hit him in the face with a closed fist. Mason's version was that he'd given the boy 'a bloody good flick 'because he was 'being a prat'. (Which, though I hate to disagree with Family Integrity, is not my idea of 'loving fatherly discipline'.) (Misa, 2009)*

The media outlets covering the case waited until Mason was found guilty on

one charge of assaulting his son before they



Jimmy Mason's case has been viewed as a test for the controversial 'anti-smacking' law. Photo / BOP Times

decided to weigh in with significant

emotive language. On May 19 2009, an

article was published in the New Zealand

Herald with the headline "Guilty Verdict in

Anti-smacking Case". The author of the

article asserted that the case had been

"viewed as test of the controversial 'anti-smacking' law' in the first line of the

article (Booker, 2009). The article also carried a picture of a placard that read

"DON'T Criminalise GOOD Parents, A smack is not ABUSE!" (Booker, 2009)

There is no elaboration on the fact that the single charge on which Mr. Mason

was convicted related to punching his son with a closed fist, rather than

flicking him on the ear – which was the infraction reported by the media.

However approximately one month later, on June 30, the same journalist

wrote an article entitled "Not a Test Case, Simply a Child Being Punched", in

which he argues that the prosecution of Mr. Mason was never a test case for

child smacking laws, and that it was only Mason's denial of any wrongdoing

that prompted the media to cover the case (Booker & Collins, 2009). The

hypocrisy here is obvious and serves only to give the media another chance to



cover the story, as well as reinforce the idea that they are objective commentators on social issues. While one cannot blame the media for changing their stance on a particular case, it appears inconsistent to have the same author take a different tone in a different article within a month. This kind of contradictory reporting does damage to any claims made about the credibility of objective media coverage of this case.

The second effect of the Mason case was to reveal that the view of physical punishment against children had shifted, both in terms of public opinion and media representations. In 2002, a father using a belt against his child in order to correct bad behaviour was seen as justified in the eyes of both the media and the public (T. Stickley & Aronson, 2002). However in the intervening six years, two significant moral panics had altered the way the media portrayed cases such as these, and therefore how the public perceived them. No longer were parents seen as being justified in their actions; by 2008, each case was co-opted by opposing sides of the 'smacking debate' and used to further political agendas or to discredit others. The politicised media coverage of cases at this time can be seen as a reflection of the polarisation of societal views; in other words, media coverage mirrored and perpetuated the twin moral panics that were occurring at the time. The media-perpetuated moral panics had significant impacts on public discourse and on the representation of cases in which physical punishment or violence was used against children. This

sensationalism of representation only served to extend the debate in increasingly extreme and polarised directions, away from the original 'middle ground' or 'starting point'. Within those six years, we can see the effect that media-generated anxiety had on a society which relied heavily on those same media organisations for information pertaining to important social issues.

#### 4.3 D)

It is widely acknowledged that the media use sensationalist tactics and attempt to instil a sense of fear in order to generate revenue through advertising (Lowry et al., 2003; Manson, 2003; McCormick, 1995; Reiner, 2007). Towards the end of 2008, there was a significant push by media to cover and sensationalise the possibility of the citizen-initiated referendum. This raises questions on the issue of ethics within the media industry. Should these media outlets appear to take a side on a particularly controversial topic if it means that they will continue to generate elevated levels of revenue? If the effort to initiate a referendum were to fail, then these media outlets would have to investigate other stories, and find (or create) a new moral panic to cover. Media outlets understand that a long-lasting and compelling moral panic is very good for business, and they use this knowledge to their advantage. This raises moral considerations for media consumers. Are media providers justified in attempting to influence readers in order to reap financial benefits? Even state-owned media outlets are forced to do this in order to

keep up with private companies who sensationalise news reporting in order to meet the profit expectations of their shareholders. This can be seen clearly in the article published by the New Zealand Herald on September 29 2008, which carries the headline “Poll Reveals Backlash Over Smacking Law”. The article uses a rudimentary poll in order to illustrate that “the anti-smacking law is still enormously unpopular” (Collins, 2008b). The journalist fails to reveal any methodological details except some vague information about a sample size of 600 people from across the country. These types of polls have been shown to be biased, and are often used by authors who try to boost credibility by using “objective data” to fit preconceived notions (Crespi, 1980; Hoffman, 1979). While the results of the poll show that the law is (allegedly) unpopular amongst the majority of respondents, the lack of any disclosed methodology arguably invalidates the results. It is therefore irresponsible for the author of the article to claim that the poll represents the views of the entire country – and equally irresponsible to use its results to promote a citizen-initiated referendum. There is a definite tendency for the largest newspaper in New Zealand to promote a sense of anxiety, fear, or bias, using tactics that are not entirely reliable or valid. It is no wonder that the public has a distorted view of societal issues when media outlets insist on portraying an illusion of society rather than providing the realistic, unbiased reporting expected of modern media.

#### ***4.4 2009: Finding a Folk-Devil***

The year 2009 would see a push by the media involved in portraying the smacking debate to find a new enemy. One can only speculate at the reasons for this. It is possible that those who were in favour of the referendum considered both the government and its agencies to be responsible for 'criminalising good parents'. On the other hand, this change in view could be because the feared criminalisation of parents had not eventuated. Two years had passed since the legislation came into effect, and the repeal of section 59 had had very few consequences. Most of the 'fuss' came from protesters who were still worried that the effects of the bill would become apparent at some point in the future. Apart from the Mason case, there were few new cases featuring the smacking law in the media. The main reason for this was that, in reality, the increase in police cases involving minor assaults on children was negligible, despite what the media had led readers to believe. Media reports from this time also reveal a shift in public perception, with New Zealanders apparently less inclined to view physical discipline as acceptable. In this context, with the debate calming and the lucrative anti-smacking media circus at risk of decline, a folk-devil was required. This resulted in the attempted vilification of CYFS.

#### 4.4 A)

During 2009, as in earlier years, there was a tendency for the media to use headlines in order to incite anxiety and fear over the anti-smacking law. However, there was a shift in 2009 *away* from viewing the law as the root of the problem, and *towards* seeing CYFS as the manifestation of this law – and therefore as the unit damaging families and criminalising parents. The article that best exemplified the shift was published on July 11 and was entitled “Big Jump in Child-Assault Reports”. This was a very powerful headline that attempted to capture the reader’s eye by asserting that there had been a dramatic increase in the number of assaults against children (Collins, 2009a).

*The number of minor assaults on children reported to police has jumped by 40 per cent since hitting a child for ‘correction’ became a criminal offence two years ago. (Collins, 2009a)*

However, as in most cases, the article appears to contradict its own headline. Within the article it is stated that the increase constituted an average of only thirteen additional reports per month following the legislation change, against the approximately 36,000 total offences reported per month to the police (Collins, 2009a). The figure of 40% relates just to minor assaults on children and implies a greater spike in reports than only an additional 13 reports per month. The Deputy Commissioner goes on to say that the police

consider it “business as usual for us and police continue to use their discretion and common sense in their decision-making” (Collins, 2009a). However, this was not quite definitive enough to prevent the author from adding polarising comments in order to stir up more confusion and emotion relating to the consequences of the bill.

The primary issue with these types of articles is that, while they acknowledge that nothing significant has changed, they continue to imply the opposite. The July article made its claim of a “big jump in child-assault reports” on the basis of very small numbers:

*The police reports show there has been only one prosecution from 33 reported cases of ‘smacking’, and 11 prosecutions from 169 cases of ‘minor acts of physical discipline’. The single prosecution for smacking since the law change was withdrawn when the primary witness refused to give evidence. Of the 11 other people prosecuted for ‘minor acts of physical discipline’, three were discharged without conviction, two got six months’ of supervision, one got nine months’ supervision, two were ordered to come up if called upon within six or nine months, one was given police diversion, and two cases were pending. (Collins, 2009a)*

Misleading articles such as this one serve to maintain the levels of anxiety around, and interest in, a law change that has been shown to have had very little impact on parents or children. Although opponents of the bill often turned a blind eye to the data, so too did supporters of the bill, who were forced to acknowledge that – while it may have been a step in the right direction – the bill had done little to decrease the rates of child abuse present within society. However, the media's portrayal of the bill's consequences painted a very different and exaggerated picture which did not allow for reasoned debate on an issue of relevance to the general public.

#### **4.4 B)**

In 2009, the original moral panics surrounding the anti-smacking legislation began to fade. There were attempts to alter their direction or create different moral panics based on pre-existing anxiety; however it appeared that the fear associated with violent crimes against children had altered the public consensus on the legislation. This was partly a result of the high-profile child abuse cases that occurred in 2008, including the Nia Glassie murder (discussed in the previous chapter). This change in sentiment was illustrated by Kathryn Calvert in a contribution to the Taranaki Daily News on July 4 2009, entitled "Mother's Wrath Reminder of What Anti-Smacking Legislation Was About". In this piece, the author describes her own experience of watching a mother smack her child on a busy inner-city street. The tale is

emotionally charged and employs the same tactics used by journalists and reporters in mainstream media outlets. However, it is included here not to illustrate the impact that such language has on public perceptions, but rather to highlight the fact that the public perception of the legislation was changing. This change was summarised succinctly by the author: "...it's not OK to hit our kids, and underneath it all, I reckon we all know it" (Calvert, 2009). This change in public discourse is also reflected by other articles which argue that the spate of high-profile child abuse cases had shown that any violence against children was unacceptable – a clear shift from the previously dominant view that physical punishment against a child was often justified. The reality of the article, however, is that it shows once again that both sides of the argument were susceptible to emotional triggers, and that caution must be taken when attempting to analyse the reasoning behind the presentation of such articles. News reports which strike a chord with the reader or viewer do so for a reason, and although the change in public discourse should not be dismissed, scepticism and critical understanding must be used when attempting to ascertain whether the change was a reflection of public opinion or a representation put forward by the media.

#### 4.4 C)

In June and July of 2009, there was a distinct push by media outlets to find a new folk-devil through which to invigorate the moral panic around the new



legislation. This resulted in an attempt to vilify Child, Youth and Family Services (CYFS), and imply that the agency was responsible for breaking up families. This phenomenon occurred on both sides of the anti-smacking debate. Supporters claiming that CYFS endorsed a father who repeatedly pushed his son to the ground as a “great dad” (Davison, 2009), while opponents claimed that CYFS investigations had left families “traumatised” (Collins, 2009b, 2009c). The net effect of these representations by the media was that CYFS came to be seen as a new folk-devil for society to fear.

The new folk-devil was first proposed by those who supported the anti-smacking bill. An article published on June 24 2009 entitled “Lobbyists Say Good Dad Vilified for Pushing Son” claimed that pro-smacking lobbyists viewed a father who pushed his son to the ground repeatedly as a ‘good dad’ – a view which the article argued was endorsed by CYFS:

*A father thrust into the middle of the debate on the anti-smacking referendum after pushing his son over is a ‘great dad’ who Child, Youth and Family have approved of, say pro-smacking lobbyists. (Davison, 2009)*

This view is refuted within the article by those who support the bill. The majority of the article argues the theory that opponents of the bill selectively promoted certain cases to ‘prove’ that the laws were not working, only to

drop them as soon as the facts became apparent. Specifically, the article cites the Mason case:

*Promoters of the referendum on child discipline must be truly desperate if they are willing to make a father who repeatedly pushes over his 7-year-old their new poster-boy for 'a smack as a part of good parental correction'... the 'no' vote campaign would have used the so-called 'ear-flick' dad as their example of supposed injustice against parents until he was convicted of punching his child in the face. Now they are pointing to an angry father, who pleaded guilty to assault, as a 'great dad'. (Davison, 2009)*

While the article itself avoids many of the inflammatory tactics of previously published articles, it represents the first attempt to bring CYFS into the debate as an agency that makes mistakes – and, in the eyes of supporters of the bill, supports fathers who push their child to the ground in order to 'correct behaviour'.

The next two articles to be examined are highly inflammatory, and are perfect examples of media outlets attempting to label a particular group as a folk-devil, thereby projecting fear. On July 28 2009, a New Zealand Herald journalist published two stories: the first entitled "CYFS Probe Traumatizes Family", and the second "I Asked For Help But Instead Got Conviction"

(Collins, 2009b, 2009c). The first article recounts the tale of a family who, as the title suggests, felt traumatised by a state agency intruding in their home under less-than-reasonable circumstances. The second details a father's struggle with his daughter, and her subsequent claim to the police that he smacked her, resulting in his conviction.

The first article fulfils the expectations created by such a sensationalist title. A father did smack his child, and "two of his fingers went above the line of her belt, leaving red marks on her back" (Collins, 2009b), which, coupled with a previous bruise from the child falling on a vacuum cleaner, resulted in CYFS launching an investigation. The parents in the article are portrayed as exactly the kind of 'good parents' who opponents of the bill claimed would be criminalised by the legislation. The article details how they toured the world for years with a Christian theatre group who presented plays to schools and church groups on "themes such as self-esteem, peer pressure, resolving conflict, bullying and addiction" (Collins, 2009b). The connotation raised here is that these were 'good parents' who would never hurt their child. However, after a nurse discovered the red marks and was told of the smack, CYFS became involved. This resulted in the "traumatic investigation" that left the elder daughter "tearful" and required the father to take leave from his job. The article quotes the father's description of the stress caused by the CYFS investigation: "I am angry, have difficulty completing simple tasks, have

several times come close to bursting into tears and at least once have actually done so" (Collins, 2009b). The implication here is clear: that a smack would cause your family to suffer an unnecessary and invasive investigation from CYFS. The article also makes the claim that the initial smack worked to change the misbehaving daughter's behaviour, and draws a clear link between the CYFS investigation and the emotional stress imposed upon the family.

The second article details a single father's attempt to seek help from CYFS, only to find himself at the centre of an investigation (and subsequent conviction) for minor assault against a child. The article states that the father first went to CYFS to seek help to deal with his child, who was acting out at school and at home:

*After her parents split, Jane [the daughter] stayed with her mother until she was 7, but developed behavioural problems which Jimmy [the father] says the mother couldn't handle. So she moved down to join her father and her half-siblings in Wellington. Within six months she was caught smoking in the school toilets. By the age of 12 she was skipping school and living on the streets. 'She'd disappear for two weeks. The cops would pick her up in Manners Mall and she'd come home,' says Jimmy. 'I pleaded with CYFS for some help...' (Collins, 2009c)*

The article states that the CYFS Manager told the father that he had “fallen through the cracks”, implying that there was nothing CYFS could do for him (Collins, 2009c). However in 2007, while collecting his daughter from a police station, he admitted to having smacked her as a last resort because she “was not listening. There was no eye contact. She was playing like it was a bit of a joke” (Collins, 2009c). The implication here is that the father smacked his child as a desperate last resort, to ‘save’ her. The article goes on to state that, the next day, the daughter went to the CYFS office and “...told them that her father had smacked her. CYFS told the police and Jimmy was charged with assault” (Collins, 2009c). The article clearly implies that CYFS will only get involved to prosecute parents for smacking their child, rather than to provide help. This further vilifies CYFS as an entity abusing the new laws in order to prosecute ‘good parents’.

What these articles show is that, after the slow decline in interest and public sentiment around the repeal of section 59, the media had reason to identify a new enemy. Child, Youth and Family Services was chosen for the role, and a flurry of articles created the folk-devil effect by detailing the ways in which CYFS was invading the homes of ‘good parents’ and leaving families ‘traumatised’. Interestingly, this new folk-devil had been present within a preceding moral panic. The anxiety that ‘good parents’ would be criminalised

had been around since 2007; yet now an identifiable group had been deemed responsible for this criminalisation. By naming and vilifying the 'responsible' agency, the media had revamped the stalled moral panic of 2007.

#### *4.5 The final days of the moral panics*

The moral panics relating to the repeal of section 59 of the New Zealand Crimes Act begin to fade in 2010. A moral panic does not simply end with legislation being passed (Cohen & Young, 1973), and these moral panics persisted far beyond the legislative change that arose from them. However, from 2010, the number and potency of sensational accounts of the repeal began to wane. Additionally, the attempt by the media to vilify CYFS as the group responsible for criminalising good parents failed to properly take root, and can be considered a failed moral panic according to the criteria set out in the literature (Ericson, 1995; McRobbie & Thornton, 1995; Ungar, 2001). Overall, 2010 proved to be the year in which media sensationalising of the anti-smacking bill declined.

On March 31 2010, one of the last attempts to 'cash in' on the social anxiety surrounding the anti-smacking bill was made. An article entitled "Poll Finds Smacking Making a Comeback" was published, and in it, a survey conducted by a market research company was used to illustrate that more parents were

using 'light smacks' following the government's assurances that police would not prosecute parents for such discipline (Collins, 2010). Previously, this type of finding would have elicited a sensationalist account of how the bill was not working, or police were not doing their jobs properly. However this article is muted in tone and states only that the increase found by the marketing company was probably a result of parents' increased willingness to admit to smacking their children:

*The latest survey suggests either that smacking may have increased slightly again or that parents have become more willing to admit to it. (Collins, 2010)*

This survey result could be a consequence of the amount of coverage that had been given to smacking, or of a natural fluctuation in attitudes toward smacking children. The article also dryly states that the number of people who strongly or somewhat opposed the law had been decreasing rapidly:

*Numbers strongly or somewhat against the law rose from 62 per cent in 2007 to a peak of 71 per cent in 2008, but have fallen since to 65 per cent last March and 55 per cent in the latest poll. (Collins, 2010)*

The increased support for the law change could be one of the reasons for the decline in media coverage of the issue, as media outlets may have decided

that there was no longer enough public anxiety to warrant the continuing publication of stories relating to the anti-smacking bill.

In October 2010, the final chapter of the Mason case was closed when his conviction for assaulting his four-year-old son was quashed by the Supreme Court (New Zealand Press Association, 2010a, 2010b; Trevett, 2010). It was determined that the charges brought against Mr. Mason should have been separated instead of combined as a single charge, and that the judge had failed to direct the jury to reach a unanimous verdict on both elements of the offence. The case seemed likely to spark renewed debate regarding the anti-smacking legislation; however the media response was mundane and muted. Instead of sensationalist accounts of how an 'abusive father beat the system', there came instead a factual review of a matter which had once acted as a lightning rod for debate:

*Crown solicitor David Collins QC conceded today there had been a miscarriage of justice because the trial judge had not directed the jury to reach a unanimous verdict on both elements of the offence. The court reserved its decision.* (New Zealand Press Association, 2010a)

*"In its decision released today, the Supreme Court said Mason's conviction must be quashed as two counts of assault had been included in one charge. The*



*inclusion denied Mason the chance to clearly defend the act of ear-pulling."*

(New Zealand Press Association, 2010b)

We can see that, in 2010, social anxiety regarding the anti-smacking legislation began to gradually fade. The claims that 'nothing had changed' – reported as early as late 2007 – had taken two years to fully sink in and become evident in media reporting. The public view of the anti-smacking legislation had shifted, and the media's treatment of further stories on the matter reflected readers' waning interest.

## 5. Discussion:

### 5.1 *Competing Moral Panics*

The anti-smacking bill generated intense media focus from the outset. This eventually culminated in the formation of two competing moral panics.

Cohen's classic definition of moral panics states:

*Societies appear to be subject, every now and then, to periods of moral panic.*

*A condition, episode, person or groups of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians, and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved (or more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. (Cohen, 2002, p. 9)*

In the anti-smacking case, the first of the two moral panics was a result of the fear and anger of society that parents were abusing their children under the guise of punishment, and that they were escaping prosecution under the

defence of 'reasonable force', which was then allowed under section 59 of the Crimes Act. The second moral panic was a response to the prospect that the proposed legislation would 'ban smacking' and criminalise 'good parents'. What was coined the 'anti-smacking debate' in the media was in actuality the discourse resulting from these two competing moral panics. Both were vying for the attention of the public, and required media coverage in order to survive (Ben-Yehuda, 2005; Cohen, 2002; Ungar, 2001).

The moral panic around parents escaping prosecution had its origin in actual cases that were covered intensely by the media, and served as the catalyst for the four-year campaign to repeal section 59. The fear was generated by unique cases in which parents were prosecuted for abusing or assaulting their children, and then claimed that the 'reasonable force' clause allowed them to do so. However, despite the fact that these cases were extraordinary and different from the norm, the media coverage surrounding them suggested that New Zealand was in the grips of an epidemic of child abuse, in which the abusers were escaping justice. This was a sensationalist account, perpetuated by the media in order to increase social anxiety in ways which would generate greater revenue through advertising and viewer numbers (Goode & Ben-Yehuda, 1994; Hall et al., 1978; Reiner, 2007). This was also the cause of the second moral panic; that eventuated, not from actual cases, but from exaggerated media hype in which the views of a few individuals were

amplified to publicise the claim that the new legislation would criminalise 'good parents'. In Cohen's definition, these individuals would be the 'right-thinking people' attempting to defend society from the 'threat' that was the repeal of section 59 of the Crimes Act. This showed the power of the media to influence public perceptions. By providing a platform, media outlets allowed for these individuals to plant a seed of fear within the minds of a much larger audience than they would otherwise be able to reach. These are some of the factors that resulted in the prevalence of two competing moral panics in New Zealand in 2007 and 2008.

The effect that the two simultaneous moral panics had on media representations was intriguing. There was a clear effort by media outlets to encourage the longevity of the moral panics, as both were compelling and polarising in ways which benefitted the media outlets themselves. The result of this extreme polarisation was an increase in the frequency of coverage – with numerous articles published on the core themes of the two moral panics, as well as an increase in sensationalist tactics used to inspire further anxiety or fear. The media shifted its representations of certain incidents throughout the timeline presented, and the use of headlines, language, and tone within articles shifted with public opinion. However, media outlets also influenced public opinion by portraying incidents that would not normally be reported to the millions of people who consume some sort of news media daily. It was

the allure and power of this 'soapbox' that resulted in the most drastic changes to media representations.

The competitive aspect of these moral panics involved rivalry over content, where messages and opinions conflicted, and competition over revenue for the media outlets which existed in the background. While it was considered a 'controversial debate' by the media, detailed investigation reveals that this episode can be more accurately described as two moral panics competing against each other for media coverage than simply a debate. Many dictionaries offer slightly different definitions of the term debate, but most are roughly in agreement that a debate is "a serious and/or formal public discussion involving opposing viewpoints in which many people take part" (Oxford Dictionary, 2000). Although, on the surface, the contention surrounding the anti-smacking bill could be seen as a debate, there were several key ways in which the two moral panics were not diametrically 'opposing viewpoints'. There *were* two 'sides' within this saga; however the sides differed on the consequences of the bill. Neither directly contradicted the other: opponents of the anti-smacking bill did not argue for child abusers to be immune to prosecution, and supporters of the bill did not favour the indiscriminate criminalisation of parents. However in terms of moral panic theory, each side offered a 'folk-devil' which, according to their viewpoint, was a threat to society. The difference between the sides was a disagreement

of priorities. Each of the moral panics prioritised one ideal above all else – whether that be the safety of children or the rights of parents – and saw that as being threatened. Both moral panics used socially accredited experts to advocate for their cause and to promote a ‘stylised and stereotyped’ view of the dangers to society. Finally, the dual moral panics could not constitute a true debate because there was only an illusion of public discussion surrounding the anti-smacking bill. As Hall et al (1978) illustrate in relation to the control of information by the media, episodes such as the anti-smacking bill and the subsequent moral panics, most of the ‘public debate’ was contained within the media itself. The media maintains control over who sees what, and when (Hall et al., 1978); therefore, the supposedly ‘open and public debate’ is in reality at the mercy of the media. This phenomenon is more closely aligned with Cohen’s (2002) description of moral panics than it is with the definition of public debate.

Because both moral panics had a message, and wished to use fear to change public behaviour in accordance with their message, both tried to gain as much media publicity as possible. It is important to note that within today’s society, moral panics are spread by the media and social media (Cohen, 2002; Cohen & Young, 1973; Hall et al., 1978). Moral panics and media outlets are co-dependent; as such it is important to the survival of both that the panic be given significant airtime. By 2010, there was a decrease in the sensationalist

reporting practices and general frequency of news items for both moral panics. This resulted in the eventual decline of the fear that good parents would be sent to prison, and that abusive parents were escaping criminal prosecution.

The second aspect of competitive moral panics is revenue. Elevated levels of social fear and anxiety mean greater revenue for media outlets, as the increase in viewership or consumption justifies a corresponding increase in advertising rates (Reiner, 2007). Therefore it was in the best interests of media outlets to sustain both moral panics for as long as possible. By covering content relating to both moral panics, media outlets could both appeal to *and* stimulate anger in any given viewer, regardless of his or her beliefs on the issue. Personal beliefs play an important part in both of these moral panics, as they provide justification for the fear and anger provoked by opposing views. Therefore there is a financial incentive for media outlets to provide extreme representations of both moral panics simultaneously. Anger or support in exaggerated levels results in increased viewers; therefore, the New Zealand media has incentives to ramp up their sensationalist tactics in times of social panic.

Both of these moral panics were unique in that they contained characteristics which made them well-suited to oppose one another. The two main

polarising characteristics were fear and messages. On both sides, fear resulted from the perceived consequences of the proposed legislation passing or failing. Again on both sides, a consistent 'message' asserted that failure to bow to the fear created by the moral panic would have disastrous effects for society. If the government did not enact legislation to 'ban smacking', then parents would have free rein to abuse their children and be protected by the letter of the law. Conversely, the opposing message stated that if this legislation were enacted, society would suffer as 'good parents' would be criminalised. In both cases, there is a dire consequence waiting if the message of the moral panic is not heeded. For those that supported either side of this legislation, the fear was linked with the perception that the New Zealand way of life – so bound up in family values – was under threat, either by an intrusive government or by the violent disintegration of families. This is one of the primary reasons for the longevity and intensity of both moral panics, and is a reason why they competed against each other.

## ***5.2 Signal crimes within moral panics***

It has been put forth by authors such as Innes (2004a), and Buttle and Rodgers (2011) that the theories of signal crimes and moral panics were separate – or at least did not need to be combined. However, as the data presented has shown, signal crimes can contribute towards the precipitation of moral



panics, as well as providing existing moral panics with a 'reboot' to bring them back into the focus of the media. This is because signal crimes can be defined either as one significant event or as a series of smaller crimes that result in behavioural change (Innes, 2003, 2004a; Innes & Fielding, 2002). However, moral panics by their nature often need to be sustained, and can sometimes act as background noise which contributes to the apparent longevity of fear provoked by signal crimes. Moral panics and signal crimes act in similar ways; yet there are enough differences for them both to play important parts in the perpetuation of enduring fear within society. In the case of the 'anti-smacking bill', moral panic theory is the primary explanation for the fear exhibited by society; however signal crimes also contributed to the longevity of this fear and provided talking points which resulted in a change in behaviour.

Signal crimes contribute to the longevity of moral panics through their ability to explain any shifts in the focus of moral panics, their identification of new 'folk-devils', and their potential to revive social anxiety. Signal crimes importantly served to highlight the shift in media representations of physical punishment against children. Prior to 2006, signal crimes that involved children being physically disciplined by their parents were represented in the media as 'justified' due to the behaviour of the child. During 2008 however, there was a significant shift towards branding parents who physically

disciplined their children with negative connotations. It was implied that these parents differed from the new societal norm, which dictated that parents should never resort to physical punishments in order to correct behaviour in their children. Finally, in 2009, a signal crime once again illustrated a shift in how the media portrayed those who used physical violence against their children. The case of James Mason was significant because the blame for his conviction was centred not on Mason himself, nor on the transgressing child, but on the new law which sought to criminalise a 'good father'. This represents the final shift in media representations of these types of signal crimes, and highlights the relationship between public perceptions and media portrayals of controversial events.

Signal crimes were also used to identify new enemies within an established moral panic. This was particularly evident in the attempt to use signal 'crimes' or disorders to identify CYFS as a new 'folk-devil' because it enforced a set of laws purportedly designed to criminalise 'good parents'. This was carried out through a significant increase in the frequency of reports on signal crimes related to CYFS, and through the sensationalised language used to present those crimes. This resulted in individual signal crimes being used to refocus the fear of an existing moral panic towards a new 'folk-devil' in CYFS.

Finally, signal crimes were used to revive waning social anxiety around the two moral panics. This can be seen in media portrayals of parents who had already been convicted of assaulting their children. The rhetoric and responses of these parents were often used to elicit emotional responses from media consumers. The goal was to use signal crimes or disorders – which by their definition are deemed significant to the public – as lightning rods to spark controversy or to revive social anxiety that had waned due to a lack of perpetuating incidents.

The theory that signal crimes could act as significant events *layered on top of* a moral panic was only discovered due to the significant duration of the moral panics discussed here. Most significant moral panics do not last four years, and it is this longevity, coupled with the competitiveness of these particular moral panics, that led to the layering of signal crimes to perpetuate fear. Primarily this was accomplished by media outlets who used the technique of signal crime promotion as a means of increasing revenue and ensuring that both competing moral panics remained relevant to the public.

### ***5.3 A single media outlet perpetuating a moral panic***

New Zealand is a unique country in that it is dominated by a relatively small number of major media outlets. In particular, print news is dominated by the

New Zealand Herald, which is the country's major daily newspaper. The Herald has a near-monopoly on the print news industry – a fact which has negative consequences outside the scope of simple anticompetitive economic practices. In fact, when a country is dominated by a handful of large media outlets, a kind of intellectual homogenisation occurs. The lack of media diversity often means that opposing views are suppressed, which can result in one version of events being portrayed by the media (Bagdikian, 1997).

In the anti-smacking case, *two* main views were simultaneously presented throughout the years analysed. However, one of the biggest issues with media monopolies is that there is a tendency to perpetuate fear and social anxiety in order to quash opposing or mediated views which may come about due to personal experience or other entities which do not have the ability to broadcast or publish to as many people that a multi-million dollar company does (Barak, 1994; Lowry et al., 2003; Manson, 2003; McCormick, 1995; McRobbie & Thornton, 1995). What often eventuates – as did in the moral panics surrounding the anti-smacking bill – is that certain themes are adopted as the 'common view' of general society. The issue here is that this is not necessarily correct. For instance, it was commonly reported that, under the anti-smacking legislation, parents would be criminalised for smacking their children – a consequence that never eventuated, yet was represented by the media as a significant threat to society. This view then took hold, and

according to surveys conducted by the media adopted by a large portion of the general public (New Zealand Press Association, 2007c; Tourelle, 2007). Any attempts to counter the view had to be published through the same company that had published the original assertion, if they wished to enjoy the same level of readership. This raises moral issues. If a media outlet has a vested (financial) interest in continuing to justify a fear which it has constructed, then it has no incentive to publish viewpoints that would likely diminish any portion of that fear.

#### ***5.4 The effects that headlines have on public perceptions of issues***

During the anti-smacking debate, headlines were one of the most popular tools used by media in order to incite fear or sway public perception. Sensationalised or misleading headlines are not a new phenomenon in the world of news reporting (Andrew, 2007; Dor, 2003; Ifantidou, 2009; Perfetti et al., 1987). However they are particularly pertinent to investigate here, as in some cases headlines were completely false – or at the very least intentionally misleading. False headlines are used by media outlets because often readers do not read articles in their entirety (Andrew, 2007; Perfetti et al., 1987). As was often the case during this research, content that would refute the headline of an article was buried towards the end of the publication; while information that appeared to support the headline was prominently placed in the opening

paragraphs. This is a well-documented tactic used by journalists who understand that their headline plays a significant role in how information is perceived, and can shape and influence views held by people who simply skim-read the headlines of their newspaper (Andrew, 2007).

The strategy of using misleading headlines in order to further incite fear contributed to the longevity of the two competing moral panics. If it is accepted that people often do not read the majority of a news article – or that if they do, their perception is often influenced by a misleading headline – then it is possible that this tactic of using misleading headlines contributed to the survival of moral panics that should have faded out, had reports been presented without bias. Because readers were flooded with misleading articles, it was inevitable that their views would shift away from rationality and reason, and towards those views advocated by media outlets. This is simply another factor that contributed to the longevity and intensity of the moral panics that occurred between 2006 and 2010 in relation to the repeal of section 59 of the Crimes Act.

### *5.5 The use and consequences of 'expert analysis'*

As well as using headlines to influence readers' perceptions, media outlets often used 'expert analyses' or data from outside sources when reporting on

the anti-smacking bill. The issue with this is that the data was often presented in the absence of any methodological details to describe its procurement. There was very little transparency into the processes underlying data that often supported the message being advanced by the media. It has been shown previously that media outlets use outside sources to promote an image of credibility, and to strengthen any claims being made (Petty et al., 1997). However there is no mention in articles of any limitations presented by these outside experts or data. For example, when polls were used to demonstrate that the public opposed the anti-smacking bill, there was very little information given about how the survey was conducted – calling into question the validity of the results. However, methodological concerns were not mentioned within the article, and the poll results were used as concrete evidence that the majority of New Zealanders opposed the anti-smacking bill. A similar case was that of a ‘socially accredited expert’ who claimed that the bill would make time-outs illegal. This was refuted strongly by those who sponsored and designed the bill, as well as by the Police, and was simply an attempt by the media to further perpetuate fear and anxiety. Finally, there were multiple polls, studies and surveys conducted that showed, in the words of the media, “dramatic increases in smacking cases” (Collins, 2009a). However, as was often the case with this type of sensationalism, those who had the most authority to make these statements – most notably the Police – refuted the claims.

The purpose of this type of reporting is to ensure that media outlets maintain the illusion of objectivity. When an 'independent source' provides results that are published by the media outlet, then that outlet is able to appear neutral in its reporting. However it is clear that control over what gets published rests with media companies, and so those 'independent' results are thoroughly vetted to ensure that they align with the messages being perpetuated by the media.

### ***5.6 How the media shift their views over time***

Finally, it is important to illustrate how the media's coverage of crimes against children changed over time – both through attempts to influence public perceptions, and as a response when those perceptions shifted. These moral panics offer a rare chance to view this phenomenon, as their duration allowed for several shifts in focus – a luxury that is not present in shorter moral panics. This evidence of media manipulation allows for a greater understanding of the power that the media has in terms of influencing the perceptions of certain issues within society.

At first, the use of physical discipline on children was considered to be justified by the media, as was evident in the coverage of the stepfather who



used a belt against his stepson. This was one of the original signal crimes that sparked the moral panic around violence against children.

After the legislation had been introduced (but before it had been passed), the physical punishment of children was considered a travesty. This time period was characterised by especially violent and horrendous crimes that dominated media coverage. There was disapproving rhetoric emanating from the media regarding the horrors of using violence against children – as was evident in the articles about a mother and father who were accused of punching and kicking their children.

Finally, in the closing stages of the moral panics, the tone changed again. The reporting of physical punishment against children was viewed as a reaction to the introduced legislation. Reports carried a tone of obligation; as if they were only reporting this man flicking his son's ear because there is legislation against it now. This was the final permutation of the views perpetuated by the media, and served to highlight just how fickle media companies had been in the messages that they had sent to society. It is important to remember that information presented by news organisations is only mediated by personal experience, and that an individual reader is not likely to have been personally affected by the issues described in any given article (despite what the media might imply). As such, changing media representations amount to mixed

messages, which can potentially alter the behaviour and perceptions of those who believe that the media convey an accurate picture of reality.

## 6. Conclusion

The saga concerning the repeal of section 59 of the Crimes Act was characterised by competing moral panics, the dominance of one media outlet, sensationalised reporting tactics, and fluctuating messages. The idea of competing moral panics contributed significantly to the longevity and extremity of social anxiety and fear. Coupled with signal crimes, which were used to further exaggerate this fear, it is not surprising that the anti-smacking bill proved to be such a defining moment for media representations to society. The concept of competing moral panics is a new way to view what would more commonly be called 'controversial debates'. However, due to the steering strategies of a small number of media outlets, and the use of social anxiety as a tool, it is clear that the term 'debate' does not do justice to the events that unfolded. The media reports of violence against children – and of the subsequent legal attempts to quell it – were deliberate and premeditated attempts to incite fear in the general populace, in order to serve a business model that does not benefit from balanced and fair reporting. Media outlets now see moral panic as a tool to generate revenue by attracting viewers with sensationalised accounts of incidents or events which pose no personal threat to them. In order to maintain viewers, each media company must report in ways that incite more fear than their competitors. Just as politicians are

always forced to be 'tougher on crime' than their opponents, media companies are forced to report ever-increasing dangers to society in order to stay ahead of their competition. The consequence of this is a society that is inundated with media publications designed to keep them captivated and fearful. While there is no obvious answer to this problem, educating the public on the ways that media organisations are manipulating them may eventually lead to a change in the common reporting practices around moral panics and crime. The days of 'if it bleeds, it leads' need to end in order for society to avoid viewing media outlets as disingenuous and fear mongering organisations.

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