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What is the public interest in crime news? Suggestions for a normative theory

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BIOGRAPHICAL NOTE

Christopher Bennett is a Professor of Philosophy at the University of Sheffield. He is the author of *The Apology Ritual: A Philosophical Theory of Punishment* (Cambridge, 2008), as well as papers on topics such as blame, forgiveness and apology; retribution and moral responsibility; emotion and expressive action; and criminal law and justice.

ABSTRACT

This chapter addresses the normative question of whether there is some genuine public interest served by crime news. I suggest that we can make progress on this question by looking at a parallel with theories of punishment. Although very different, both punishment and news are societal responses to crime; and I explore the idea that the reasons that speak in favour of one type of response might also speak in favour of the other. I look at the idea that punishment is like news in that it has a communicative role. I will compare the merits of three communicative roles that both punishment and news might be proposed to play: shaming of offenders; denouncing crime; and – the view that I defend – expressively marking the significance of crime as a violation of important values.

It may seem very natural that news media report on crime. However, if we look at the processes through which news stories are selected for publication, we find that crime news is far from a simple matter. Indeed, it is not altogether obvious why crime is central to news at all. Crime helps news media sell their products. But how should we evaluate our appetite for crime news, and the work of those who feed it? This chapter addresses the normative question of whether there is some genuine public interest served by crime news.

A fully developed answer to this question would require a normative theory of crime news.¹ Rather than attempt to present such a theory, I suggest that we can make progress on the foundational question of why crime should be news by looking at a parallel with theories of punishment. Although very different, both punishment and news are societal responses to crime; and I explore the idea that the reasons that speak in favour of one type of response might also speak in favour of the other. In particular, I look at the idea that punishment is like news in that it has a communicative role. I will compare the merits of three communicative roles that both punishment and news might be proposed to play: shaming of offenders; denouncing crime; and expressively marking the significance of crime as a violation of important values.

¹ Such a theory might be more or less idealised. That is, it might address the question of how crime should be reported on the assumption that some of the problems and injustices of our own society (including problems and injustices of e.g. media ownership) are no longer present; or it might address the question of how crime news should be reported within our actual, flawed society. The suggestions made in this chapter tend towards the idealised end of this continuum, but are intended to be useful in the development of a critical theory of crime news.

1. Crime and 'newsworthiness'

Even a casual glance through the pages of local and national newspapers or news websites shows that crime is central to news reporting. However, while crime reporting is a mainstay of news media, many crimes are never reported by the media, and some types of crime, or crimes with certain features (involving children, say) are more likely to be reported than others. Judgements of 'newsworthiness' underpin the selection of crime stories as news (by a particular outlet, given its ownership, political stance, readership, etc) and the presentation of stories in terms of their 'angle,' location within a publication, and any accompanying images, etc.

Criminologists such as Steve Chibnall and Yvonne Jewkes have investigated the criteria or principles that underpin perceptions of newsworthiness. They have sought to answer something like the following question: 'What features of a crime make it more likely to be deemed newsworthy and published prominently in news media?' According to Chibnall's account, published in the 1970s, the (non-exhaustive) list of relevant features is: *immediacy* (news is 'new'); *dramatization* (it is attention-grabbing); *personalisation* (celebrities or 'ordinary people' are at the heart of the story); *simplification* (or better, perhaps, ease of simplification); *titillation* (the entertainment value of crime news); *conventionalism* (relatability to conventionally accepted values); *structured access* (can be backed by authoritative pronouncements by experts); *novelty* (freshness of angle/story).² According to Jewkes's more recent account, the relevant criteria are: *threshold* (of drama or immediacy); *predictability* (fits in with a planned media agenda/timetable); *simplification* (ease of simplification); *individualism* (preference for highlighting effects on individuals as opposed to complex cultural, structural or political explanations); *risk* (patterns among crimes are downplayed; crimes are rather presented as random and unpredictable); *sex* (emphasising in particular sexual violence and 'stranger danger'); *celebrity* (such crimes are far more likely to be reported even if minor); *proximity* (spatial and/or cultural); *violence/conflict*; *visual spectacle/graphic imagery*; *children* (as victims or offenders); and, finally, *conservative ideology and political diversion* (crime as a threat to our way of life).³

The accounts offered by theorists such as Chibnall and Jewkes do important *descriptive* and *explanatory* work. They seek to identify the features that underpin decisions about newsworthiness; and they seek to explain the prominence of these features by reference to features of the attitudes of editors, reporters and consumers, as well as structural features of the news media industry and of our forms of society more generally. However, these accounts also have a critical edge. For instance, some of Jewkes's claims make it clear that she thinks that crime reporting gives *disproportionate* attention to some issues over others; that it lazily fits crime stories into problematic *stereotypes* about women or children or foreign nationals or minorities, etc.; and that crime reporting often simply reflects, accommodates or even endorses *problematic aspects* of public opinion rather than seeking to alter them.

² Steve Chibnall, *Law and Order News: An Analysis of Crime Reporting in the British Press* (London: Tavistock, 1977).

³ Yvonne Jewkes, *Media and Crime* 3rd edition (London: Sage, 2015), pp. 49-70. Jewkes illustrates the relevance of these criteria with reference to two stories: the disappearance of Madeleine McCann; and the Anders Behring Breivik killings.

Nevertheless, there is something important lacking in such accounts. Their criticisms of distortions and biases imply the possibility of a more adequate sense of 'newsworthiness.' But accounts like those of Chibnall and Jewkes do not give us any developed explanation of what a better account of 'newsworthiness' would be. They do not give us a systematic normative investigation of what *should* make crime news. In this paper, I do not seek to carry out such an investigation. But I suggest that to begin with we would need to address an even more fundamental issue: the question of whether (or why) crime should be reported as 'news' *at all*. Without an answer to the question of why (or whether) we should report on crime, we will not get very far in trying to think critically about *what* we should report and *how*. Nevertheless, as we will now see, the answer to this question is not entirely obvious.

2. Why should crime be news?

A story prominently reported in UK news in August 2021 concerned a mother and stepfather from South Wales who had been charged with murdering their 5-year old son.⁴ At some level, it is clear that this is a newsworthy crime story (and Chibnall's and Jewkes's analyses would predict its newsworthiness). But is there some public good, or public interest, that the reporting of this story serves? Some news is public information about issues that are directly, practically relevant to readers. It is fairly clear why we would need such a thing: we need to know about problems that directly affect us so that we can take action individually or collectively to avoid them or mitigate them or solve them. But, while this might be a good reason for *some* crime reporting in local news outlets, many stories that make the national news are not newsworthy for this reason. For instance, it is hard to see why knowing about the South Wales story would be practically relevant for any but a very few UK readers – perhaps only those who have had some personal contact with the family concerned.

Another possibility might be to point out that some news is entertainment. However, while there is clearly a social need for entertainment, this does not extend to stories of real-life child murder. So where does the public interest in crime news lie? The key idea here is *legitimate* public interest: what kind of crime news would make a genuinely valuable contribution to our society. The issue is not simply what types of crime news the public are interested in (or, what they will pay money for); but rather what, by our best available understanding, is the kind of crime reporting that would speak to genuine social needs, and that could therefore count as a public good.

A sceptical interpretation might suggest that our sense of the 'newsworthiness' of stories such as the one mentioned above is entirely corrupted by our diet of news, and that it cannot be trusted as a guide to what might genuinely serve the public interest. On this view it might even be that there is no plausible 'rational' explanation of the widespread reporting of crime as news that posits a sensible goal (such as social problem-solving) and explains crime reporting as a helpful tool in the pursuit of that goal. To explain why crime reporting is nevertheless pervasive, theorists have thus often appealed instead to a critical diagnosis, according to which crimes are reported by media mainly because doing so increases the

⁴ <https://www.bbc.co.uk/news/uk-wales-58053074>

visibility and acceptance of ideologies legitimising the status quo, and thus strengthens accepted or dominant norms of an oppressive social order.⁵ While there is much that is rich and important in such analyses, it seems premature to conclude that those who work hard to report crime stories and those who read them do so only because they are hoodwinked by an ideology that they do not understand. At any rate, I suggest that we can do more to exhaust the possible rational explanations before accepting a debunking narrative. I will also take it that the classification of the South Wales story as paradigmatically newsworthy is to be trusted as a guide. It is such an intuitively strong case that it should only be rejected if we find that we cannot construct a good normative theory that explains its newsworthiness.

In addition to criminological studies that look at the way in which crime reporting *is actually produced* in our society, we thus need a theoretical and systematic attempt to understand its *ethics*, where this will include the study of foundational questions about the basic point or purpose of crime news and what good it can, in a favourable case, bring to society. While one might turn to philosophers – and in particular those who work in normative theory – for such guidance, philosophical input on media ethics tends to have concentrated on matters such as truth, privacy and freedom of speech, rather than looking at the question that we are raising here.⁶

As I have said, I will not present any systematic normative theory of crime news here. To make progress, however, I propose drawing a parallel with normative theories of other societal responses to crime. In other words, I suggest we treat crime news as one among various types of societal response to crime. We can then draw on thinking about how such responses serve the public good and consider whether or to what extent they can be applied to crime news. The particular societal response to crime that I want to consider as a parallel in what follows is *punishment*.

3. A fruitful parallel? Crime news and punishment

It might seem strange to think of crime news as analogous to punishment. Two major differences immediately stand out. Punishment involves the intentional, authoritative imposition of sanctions such as a fine, a term of imprisonment, or hours of community service, whereas crime news involves no such sanction. And punishment tends to be meted out by the state, whereas crime news is carried out by a range of private companies or individual citizens. Despite these differences, I will argue, there are some important similarities. The reasons that might justify a response to crime such as punishment, might be the same kinds of reasons that justify reporting crime widely through news media.

Two examples to illustrate what I have in mind can be drawn from common views about the public interest served by punishment. The first is the view that the reason to punish someone who has committed a crime is to *deter* future crime. On this view, the crucial goal

⁵ E.g. Stuart Hall, Chas Critcher, Tony Jefferson, J Clarke and B Roberts, *Policing the Crisis: Mugging, the State and Law and Order* (London: Macmillan, 1978).

⁶ For philosophical work on media ethics, see e.g. Matthew Kieran, *Media Ethics: A Philosophical Approach* (Praeger 1997); Matthew Kieran (ed), *Media Ethics* (Routledge 1997); Christopher Meyers (ed.), *Journalism Ethics: A Philosophical Approach* (Oxford UP, 2010); Stephen J. A. Ward, *Ethics and the Media* (Cambridge UP, 2012); and Carl Fox and Joe Saunders (ed.), *Media Ethics, Free Speech and the Requirements of Democracy* (Routledge, 2019).

is to reduce the likely future incidence of crime. According to deterrence theory, punishment contributes to that goal if the threat of punishment tends to deter. My thought is that these reasons might also apply to crime news. In other words, it might be proposed that the public good served by crime news is the same: namely the reduction of crime rates through deterrence. Crime news brings this about, not by imprisoning offenders, of course, or otherwise punishing them, but rather by *publicising* their deeds, and hence by *exposing* the perpetrators. The risk of such public exposure, rather than the risk of punishment, is what does the deterring. (Though of course, crime news might also strengthen the deterrent effect of punishment by publicising the fact that wrongdoers get punished.) The second view of punishment that we could apply is the idea that punishment is justified as *retribution*. We can understand this as the idea that someone who has done serious wrong deserves to suffer. Applied to crime news, it might be argued that having one's deeds exposed in the national news is a cause of disgrace and hence suffering, and that public knowledge of what one has done will lead one to become an object of outrage and condemnation more broadly. Exposure through crime news, it might be suggested, is a good way to ensure that the wrongdoer endures the suffering that they deserve from their commission of the wrong.

This quick sketch illustrates how those reasons that are sometimes claimed to speak in favour of a punitive response to crime might also speak in favour of the non-punitive response of widespread public dissemination of information about crime. However, deterrent and retributive theories are not the only attempts to explain the public interest served by punishment. For the remainder of the chapter, I explore a parallel between crime news and an approach that has been popular in recent philosophical work on punishment: the communicative theory.

4. Communicative theories of punishment – and crime news

According to communicative theories, punishment is imposed on an offender, for a crime, to communicate disapproval of that crime. Thus, when we talk about punishment being 'communicative, or 'expressive,' we should note that such theories see punishment as more than just venting of emotion: it involves some kind of moral message or moral content. But such a theory needs to answer four key questions: who is doing the communicating; what is the content being communicated; to whom is it communicated; and why is it important to communicate this content in this way to that audience? For instance, on Joel Feinberg's view, punishment is seen as an expression of disapproval of the crime, carried out by the state on behalf of its citizens.⁷ This takes care of the first two questions. However, Feinberg arguably left it unclear *to whom* the disapproval was being expressed – the obvious candidates being the offender themselves, or wider society. And he did not give an entirely clear and developed answer to the question of *why* such expression might be needed. The task for a communicative theory of punishment is therefore to explain why it is important to express something (normally disapproval) about crime, and to explain by whom and to whom. Extending our parallel with crime news, we can then ask whether the kinds of reasons that are appealed to in discussions of punishment could explain why it is important

⁷ J. Feinberg, 'The Expressive Function of Punishment,' in his *Doing and Deserving* (Princeton UP, 1970). See also I. Primoratz, 'Punishment as Language,' *Philosophy* 64 (1989).

for news media to express disapproval of crime. Could the expression of such disapproval by news media be an important and even necessary societal response to crime?

I will review possible answers to this question by looking at three types of communicative theory of punishment. Each of these theories can be interpreted as claiming that there is a public interest served by punishment. They are:

- The *Shaming Theory* that responses to crime are justified because of the effect they have on offenders: i.e. the way they shame offenders, and thus, because people want to avoid shame, thereby reduce the incidence of offending
- The *Denunciation Theory* that responses to crime are justified because of the effect they have on the wider community: i.e. the way they help the community strengthen its commitment to the values violated by the offender
- The *Expressive Theory* that responses to crime are justified by their role in marking an offence as a violation of important values: i.e. when just carrying on as normal, without acknowledging the violation in a proportionate way, would be to fail to take the violation sufficiently seriously

To illustrate the Shaming Theory we can draw on the work of John Braithwaite.⁸ Braithwaite shares the aims of deterrence theorists but thinks that the psychology of deterrence is often simplistic and inadequate to the complexities of human motivation. For instance, Hegel parodied the deterrence theory as being 'like raising a stick to a dog,' and thus as aiming to have a very basic level of carrot-and-stick influence on behaviour. Rather than simply being deterred by the threat of pain, Braithwaite thinks, human beings are motivated by more complex emotional evaluations of their situation. A particularly important motivation, Braithwaite thinks, is shame. Shame is an emotion that involves a negative evaluation of one's situation, in which one is exposed to the disapproving regard of those whose regard one values.⁹ Human beings are strongly motivated against being subject to shame. Thus if the likely result of committing crime were that one would be subject to shame, this would be a strong deterrent. Braithwaite thinks that this can justify a shaming response to crime.¹⁰ He supports the idea that criminal justice should be transformed into a programme of restorative justice encounters with victims and influential people in the offender's life, in which an offender has to face up to what they have done. Braithwaite claims that this is a good way to deter crime.

Braithwaite's work is a contribution to theorising about criminal justice (and alternatives to criminal justice). However, we might also appeal to his view to explain the public interest in crime news. On this application of Braithwaite's view, the idea would be that the ground for valuing news about crime is that we are taking part in a collective enterprise geared at

⁸ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge UP, 1989). See also, Dan Kahan, 'What Do Alternative Sanctions Mean?' *University of Chicago Law Review* 63 (1996), p. 591.

⁹ For recent philosophical work on shame, see e.g. Krista K. Thomason, *Naked: The Dark Side of Shame and Moral Life* (Oxford UP, 2018).

¹⁰ Braithwaite also thinks that shaming can be effective in reintegrating the offender into the community (for this purpose he distinguishes 'reintegrative shaming' from 'stigmatisation'). As we will see below, however, the problem with media shaming might be precisely that it stigmatises rather than having a reintegrative effect.

shaming offenders for the – presumably shameful – things that they have done, and thus to bring it about that fewer people do such things in the future. Applied to the news story I mentioned earlier, this theory would suggest that the reason for media coverage of the story about the South Wales couple suspected of murdering their son is to shame the couple involved, and to deter future such atrocities by making it clear that a high degree of shame will follow the perpetrators of such crimes.

To illustrate the Denunciation Theory, we can begin with the work of Emile Durkheim. Durkheim had the insight that, rather than being a social problem to be eliminated, crime was something that societies needed in order to reinforce and reactivate the moral consensus that, Durkheim thought, social cohesion requires.¹¹ On this explanation of societal responses to crime, punishment is not something that can be wholly delegated to the state; rather community members should participate as far as possible in the expression of disapproval of the violation of community norms, thus strengthening their collective commitment to those norms. This kind of view extends neatly to an explanation of how, in the current era, it is the collective production and consumption of crime news that takes the place of the collective, almost ritualistic, celebration of communal values through the denunciation of crime.

Jack Katz develops an account inspired by Durkheim's view to argue that crime news is a mechanism through which, by provoking strongly-felt counter-reactions, the social order is strengthened.¹² According to Katz, crime news is part of 'a process through which adults in contemporary society work out individual moral perspectives on moral questions of a quite general yet eminently personal relevance.'¹³ Daily reading about crime, on Katz's view, is a 'collective ritual experience' giving us a 'moral workout' or 'ritual moral exercise.'

'[C]rime news takes its interest from routinely encountered dilemmas, not from concerns focused on crime. The reading of crime is not a process of idle moral reflection on past life; it is an eminently practical, future-oriented activity. In reading crime news, people recognize and use the moral tale within the story to orient themselves towards existential dilemmas they cannot help but confront ... The content of crime news provides no solutions, not even advice on how the reader should resolve the dilemmas he will confront. Instead, crime news provides material for a literal working out of the moral perspectives that must be applied to dilemmas of everyday life. Crime is in today's newspaper, not because it contradicts the beliefs readers had yesterday, but because readers seek opportunities to shape-up moral attitudes they have to use today.'¹⁴

Katz's view might be thought of as an explanation of the pervasiveness of crime news as well as an analysis that points out a good reason for our interest in such news. We need to read about and reflect on crime because it helps to imaginatively exercise and strengthen those moral capacities that we need for the circumstances of everyday life. More broadly,

¹¹ Emile Durkheim, *The Division of Labour In Society*, ed. Steven Lukes, 2nd ed. (Palgrave 2013).

¹² Jack Katz, 'What Makes Crime News?' *Media, Culture and Society* 9 (1987), pp. 47-75.

¹³ Katz, p. 67.

¹⁴ Katz, p. 70.

Katz thinks, we have an interest in 're-creating daily [our] moral sensibilities through shock and impulses of outrage.'¹⁵

5. Assessing the Shaming and Denunciation Theories

Before looking at the Expressive Theory, let us note some problems with the two theories that we have just outlined. First, the Shaming Theory is uncomfortably close to portraying crime media as a modern version of the town centre stocks into which medieval offenders were locked to be displayed, ridiculed and pelted with rotten fruit by passing citizens. Although by different means, both subject offenders to humiliation in a way that might be said to be degrading. A defender of the Shaming Theory might argue that such humiliation is justified because it deters potential future offenders. However, some will worry that this end does not justify the means. Critics might also appeal to criminological Labelling Theory to argue that stigmatisation and shame can be deeply damaging to individuals and that, because they feel they are denied any chance of esteem in the eyes of the law-abiding, it can reinforce offenders' self-identity as criminal. Indeed, it is for this reason that Braithwaite distinguishes between shaming that is stigmatising and shaming that is reintegrative. He argues that restorative justice events need to be set up carefully to be reintegrative. However, the very public and impersonal shaming by media arguably cannot have the context that is needed for it to be reintegrative.

Second, if the Shaming Theory were the correct view of the grounds for having crime news then we would only have reason to report crime and read about it if there was clear evidence that crime news media do indeed help to lower crime rates through deterrent effects. However, it is not clear that we have such evidence, and even if we did, it is implausible that the newsworthiness of a story depends on evidence of its deterrent value. If the Shaming Theory were correct then the crimes that are news should be those which are most likely to be deterred by making them news. Research about deterrence in punishment suggests that the crimes most likely to be deterred in this way are those carried out on the basis of rational calculation of probable costs and benefits, and the proponents of which could therefore be swayed by the anticipation of possible shaming. However, this does not ring true as an account of newsworthiness. Often crimes are reported upon that were not based on rational calculation, such as crimes committed by those on drugs, or, as with the South Wales story, crimes that are of particular gravity, or are particularly horrifying or outrageous in some other respect, perhaps because they involve children – regardless of whether they seem to have been motivated by rational calculation. The point here is not that the Shaming Theory must be wrong because it would require a radical revision of our current practice. It is rather that our current practice does not appear wrong to judge the South Wales case to be paradigmatically newsworthy, and that it counts against the Shaming Theory that it predicts otherwise. (Similar criticisms could be made of the simple deterrent theory we considered in Section 3.)

Katz's version of the Denunciation Theory also has a number of problems. For instance, there appear to be many ways in which we could get a 'moral work-out' – everyday conversations about local events, and reading imaginative literature, for instance. Katz's story does not explain why crime news has a particular importance as the vehicle for moral

¹⁵ Katz, p. 67.

exercise. Furthermore, it might be said that Katz over-states the need for moral exercise. His view assumes that everyday life does not give us enough exercise as it is – that we are morally sedentary, as it were, and that we therefore need to read crime news in the way that, if we have a physically sedentary job we might need a physical work-out. Yet he doesn't really explain why our lives should be thought of in that way. Many of us do get a lot of moral work-out in the various weighty decisions that we have to make from week to week. Indeed, Katz's theory would predict that crime news is needed more for those who are relatively 'morally sedentary' in their everyday lives than those who are 'morally active.' By contrast, it seems plausible that those engaged and conscientious people who undergo moral exercise in their everyday lives are more, rather than less, likely to also keep up with news, including crime news. Like the Shaming Theory, the Denunciation Theory is also hostage to confirming evidence about its empirical claim that crime news strengthens moral beliefs – when it is not at all clear that we have any such evidence (or would need it to be confident in our judgement of the newsworthiness of some paradigm cases). And a final concern to point out is that, as a view with Durkheimian heritage, there might be a suspicion that the Denunciation Theory over-emphasises the need for moral consensus-building measures to underpin social relations. Does social interaction need to rest on a moral consensus kept alive by regular doses of shock and outrage?

6. The Expressive Theory of Crime News

I now want to suggest that the Expressive Theory gives a better account of the nature and importance of societal responses to crime such as crime news and punishment. On this view, such societal responses are important because of their *expressive power* in relation to wrongdoing. According to the Expressive Theory, a societal response is important because crime is the kind of event that needs to be marked and acknowledged in an expressively adequate way. Crime, on this view, is a departure from acceptable moral relations, and hence a rupture in the moral community. It demands to be taken seriously. In the face of such events, silence, or going on as if everything were 'business as usual,' is inadequate. But the need for the expressive response is not conditional, as with the Shaming and Denunciation Theories, on its having a productive effect on particular people. Rather, according to the Expressive Theory, it is the seriousness of the event itself that puts us under a responsibility to acknowledge its gravity. The point of the expressive response is to *do justice* to the situation rather than to alter it for the better. This is not to say that altering the situation for the better is unimportant. The point is rather that not every response to such events is appropriate because of its role in making the situation better. Even if we knew we could not alter the situation for the better, the need to do justice to the nature of what was done, and to express our rejection of what happened, would remain. We express our rejection through acts that have expressive power as a response to the rupture that crime represents and the harm it causes.

Applied to punishment, the Expressive Theory says that punishment is sometimes necessary to express our rejection and disapproval of crime. Punishment is dramatic and can be severe. The Expressive Theory says that such a response can be justified if only it can do justice to the seriousness of the crime. Thus forms of expression such as punishment may become necessary in situations that are too serious for mere words. In my theory of punishment, *The Apology Ritual*, I claimed that punishment is most fundamentally concerned, not with reducing crime or building social consensus – although these are

important social goals – but rather with marking the wrongdoing as something unacceptable. Punishment is necessary, if it is, as a symbolic act that has expressive power as a response to wrongdoing.

According to the Expressive Theory, there is a public interest in crime news for the same reason: because there is a public interest in a collective acknowledgement of certain particularly serious breaches of the values that we take seriously. The widespread public reporting of crime serves the public interest if allowing such events to pass unremarked would be unacceptable, and thus if crime news is necessary to do justice to the seriousness of the rupture represented by crime and the harm it causes. Crime news would be necessary, on this view, because of its symbolic form and its expressive power. Reporting such events plays an important commemorative role in relation to such ruptures, marking them as unacceptable through the performance of actions that symbolically capture or reflect the gravity of the events. Applied to the South Wales case illustrated earlier, the Expressive Theory claims that, if such an event were not to be reported, it would be as though life were cheap and such events were simply part of the daily grind. The reporting of the case is necessary because its seriousness calls for something other than silence. But the reporting has to be adequate to the awful gravity of the situation; the reporting must not be sensationalised, but must rather be an attempt to bear witness to what happened.

The Expressive Theory thus has implications for *how* crime should be reported. In the kinds of extraordinary situations to which expressive actions respond, what we try to do is to find an action that is symbolically or expressively adequate to the situation. As I have said, we look for responses with expressive power. In particular, the publicising of crime through news, and the particular conventions around its reporting (such as a kind of solemnity with which serious crime is reported) can be thought of as attempts – not always successful – to do justice to the gravity of crime. Thus the fact that crime is reported at all, the way crime stories are framed, their positioning within a publication or news programme, the language that is used, the use of photographs or footage: all of these should be assessed, according to the Expressive Theory, as to whether they correspond symbolically, or with expressive power, to the seriousness with which the crime should be viewed. Crime can be trivialised by a failure to report it. But it can also be trivialised if it is played for entertainment, or reported casually, or with lurid details emphasised, or where the newsreader recites it mechanically as if bored with their script.

The Expressive Theory interprets crime news and punishment as playing a similar role to that of a range of other common actions that have importance in our lives, such as acts of celebration and commiseration, acts of mourning, acts of welcoming and leave-taking, acts of thanking, and acts that respond to transgression and moral repair. These are all cases in which a situation changes in some normatively important way that calls to be marked by (some of) those involved in it, and where simply accommodating the change without acknowledging it explicitly and symbolically would be inadequate. The acts that we perform in such situations reveal that we have some sense of which acts are symbolically fitting to which situations: for instance, we have different types of action for celebrating and for commiserating. The symbolic form of the actions seems to reflect the situation, such as when we express our sadness at leave-taking by briefly holding the person close. The point

of these symbolic actions is not to alter the situation but simply to recognize and acknowledge it.

The Expressive Theory is not vulnerable to the criticisms that we made of the Shaming Theory and the Denunciation Theory. The Expressive Theory predicts that crimes are newsworthy because of their gravity, rather than because of the likelihood that offenders would be deterred, or readers made more morally alert, as a result of becoming news. It therefore gives an intuitive explanation of newsworthiness that captures paradigm cases such as the South Wales example. Indeed, because the Expressive Theory claims that the reason expressively adequate responses to serious situations are necessary is to do justice to those situations, its validity as a theory is not hostage to confirming evidence that crime news does alter situations in some desirable way. Furthermore, unlike the Shaming Theory, it does not assume that it is good to shame or humiliate those who commit crimes. It does advocate public reporting of crime as a way of adequately marking its seriousness; and such public reporting may foreseeably bring shame on perpetrators. However, it would be compatible with the Expressive Theory that, while marking the crime as wrong, we take measures to protect offenders from humiliation, either in the way the crime is reported or in the aftermath of doing so. It is not part of the point of the Expressive Theory that offenders be subjected to an unpleasant experience that they would wish to avoid. Moreover, unlike the Denunciation Theory it is not committed to the controversial and debatable view that societies are underpinned by a moral consensus that needs to be revived by episodes of shock and outrage.

The Expressive Theory is a critical theory of crime news, and its implications may seem austere. It says that crime news should be concerned with serious events that are, not simply crimes, but also moral wrongs. Crime news should respond to those wrongs on the basis of their gravity, and not because of irrelevant features such as their involving celebrities (unless such features do affect the gravity of the wrong). Furthermore, the Expressive Theory has implications for the way in which crime news is reported and presented: that it should be an attempt to do justice to the seriousness of the wrongdoing, rather than presenting salacious details that make for crime as entertainment. It may be argued that the Expressive Theory of crime news is unrealistic in a media environment in which newsworthiness is largely determined by what sells. However, a defender of the Expressive Theory might respond that it is very unclear whether there is a public interest in news media dominated by commercial interests, if the consequence of such domination is that crime news is sold as entertainment.¹⁶

Conclusion

In this chapter I have suggested that we need a normative approach to the question of 'what makes crime news'. Criminological approaches to this question can explain actual conceptions of newsworthiness. But to have critical bite, such approaches need to draw on a normative theory of the genuine public interest in crime news. In pursuit of such a theory, I have suggested developing a parallel with punishment. While they differ in important respects, both crime news and punishment are societal responses to crime that can be

¹⁶ For a pessimistic reading of the situation, see Philip Schlesinger and Howard Tumber, *Reporting Crime: The Media Politics of Criminal Justice* (Oxford UP, 1994).

evaluated as to whether they serve the public good. In particular, a fruitful parallel might be that between crime news and communicative or expressive theories of punishment. I have suggested three such theories: the Shaming Theory, the Denunciation Theory and the Expressive Theory. After examining problems faced by the first two, I argued that it is the Expressive Theory – according to which crime news is an expressively powerful response to crime that is required to do justice to the seriousness of the events– that provides the most useful parallel for thinking about the public interest in crime news.¹⁷

¹⁷ I would like to thank Stephen Bennett and the editors for helpful comments on an earlier draft of this paper.