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# MEDIA, POLITICS AND PENAL REFORM: THE PROBLEM OF WOMEN'S IMPRISONMENT

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## Declaration

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## Abstract

There has been limited empirical focus on the activities of the penal reform network in England and Wales, and less still concerned with those campaigning to reform women's penal policy. Investigating the under-researched interrelationship between the women's penal reform network, journalists, and policymakers at the crime-media nexus, this interdisciplinary study examines campaign strategies for women and how they have developed and augmented under changing governments and the media spotlight. While penal reform campaigners are able to rely on the discourse of vulnerability in relation to women offenders, this remains in the face of entrenched social constructions of the 'ideal woman' and a political climate that continues to talk tough on crime. Uncovering a number of inhibitors to their campaigning efforts, this study reveals that such actors operate on the periphery of both the media and policy agendas and campaign for a 'lesser social problem'. Drawing on the work of Best (2013) and his research on social problems, claimsmakers and the policy agenda, this study also explores the agenda-setting models developed in the political sciences and media and communications. With unprecedented access to over thirty policy elites (including the Chief Executives of the major campaign organisations, former Prison Ministers, ex-civil servants from the Ministry of Justice, Members of the House of Lords and Commons, journalists, and a former Chief Inspector of Prisons) it integrates the viewpoints of key actors operating in this niche policy network for the very first time. With an explicit policy-focused orientation, it also provides a number of pragmatic and practical tips for those wishing to think more strategically about their ability to influence politicians, the media and the public.



‘The problem of women in our penal system is a disgrace that does not belong to any one government; it is a disgrace for our society’<sup>1</sup>.

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<sup>1</sup> Former Justice Minister Rt Hon Lord Tom McNally. Hansard 25 March 2013 col. 916.

# 1. Introduction

## i. Aim and Background

This study in contemporary criminal justice policymaking is a contribution to social problems scholarship, which seeks to explore how issues find themselves on the policy agenda and are consequently dealt with, or ignored, by government. Examining the interrelationship between the women's penal reform network, the news media and policymakers at the crime-media nexus, it will focus on penal reform strategies for women and how they have developed and augmented under changing governments and the news media spotlight. Approached from a social constructionist standpoint, it will analyse theories of policymaking and agenda-setting from their distinct research traditions of the political sciences and media and communications, and will amalgamate them to provide a more holistic account of the policy process. Viewing the organisational collection of those political actors advocating reform of the penal system as a 'network' (Rhodes, 1997, 2007, 2011), it will consider the discursive actions of such actors as political and communicative 'claimsmakers' (Best, 2013). Those engaged in 'claimsmaking work' have the explicit aim of convincing others 'that X is a problem, and that Y is the solution' (Best, 1987). A social problem, defined as 'a putative condition or situation that is labelled a problem in the arenas of public discourse and action' (Hilgartner and Bosk, 1988: 55), consequently exists in public consciousness primarily in terms of how it is *defined* and conceived (Blumer, 1971). While individual mission statements, ideologies and preferred strategies may differ, it is broadly agreed that, as well as highlighting issues relating to conditions and humane containment, penal reform campaigners are seeking to reduce what they view as the unnecessary overuse of imprisonment for women, and in particular its continued use for non-violent offenders. In advocating a greater use of non-custodial disposals, they seek to achieve both political and public support for their policies. Claimsmaking is a competitive process, and it is the task of those engaged in lobbying to win support for their strategies.

Studies of the policymaking process are not abundant in criminological literature (for a critique see John, 2012; Ismaili, 2006; Jones and Newburn, 2002; Barton and Johns, 2013), yet

there are substantial contributions (see for example Fairchild and Webb, 1985; Rock, 1995; Stolz, 2002; Ryan, Savage and Wall, 2001; Silverman, 2012). That is because criminologists have tended to focus their empirical research on the *effects* of successive policies rather than their origins while political science has largely neglected the field of crime control (Ismaili, 2006: 255, emphasis added). As a result, there remains a fundamental lack of understanding or an empirical ‘blind spot’ surrounding the constraints that criminal justice policymakers operate under. Because relatively little attention has been devoted to understanding the policymaking environment in which claims, counterclaims, and policy preferences are negotiated, the ‘messiness of real-world decision-making remains largely unknown’ (Ismaili, 2006: 257). Yet awareness of this omission is not new. Over thirty years ago, Solomon (1981) argued that it was important for researchers to study the criminal justice policymaking process:

- To explore *the constraints* the process places on the translation of ideas and analysis into action;
- To describe *the degree* to which various actors influence the movement of criminal justice proposals through the policy process; and
- To provide *insight* into how politics determines what is and can be implemented (1981: 5, emphasis added).

The above points remain of crucial consideration for this investigation into the contemporary strategies of women’s penal reform campaigners and the changing ideological climate within which they operate.

There is limited documentation about the activities and relationships within the penal reform network in England and Wales (Wilson, 2001: 123; although see Ryan 1978, 1983), and less still, if any, about those specifically concerned with women. This study aims to fill that empirical gap by uncovering the previously unpublished experiences of those actors working in and around this niche area of government policy. In discussing their experiences, as well as those of their predecessors, this study adopts a pluralist standpoint and draws on the work of network analysts who view policymaking as a complex interplay between governments and officials, professional associations, pressure groups, think tanks and other specialists. Like networks operating in other policy spheres, making arguments perceived as having purchase with the political elite is a key part of penal reform campaigners’ work (Mills and Roberts, 2012:

8), and such actors do so through variously undertaking a combination of lobbying, media work, research and campaigning on criminal justice issues (Mills and Roberts, 2012: 8). Penal reform campaigners operate in a climate which has, since the 1980's, overseen 'the evolution of a right-wing policy agenda which swept away the rehabilitationist approaches... [together with] a commitment to the belief that 'prison works' (Wilson, 2001: 124). While it is true that recent years have signalled the return of the rehabilitation agenda, from the Coalition government's early attempts in the *Rehabilitation Revolution* to the *Transforming Rehabilitation* agenda and the recently enshrined Offender Rehabilitation Act 2014, the subject of penal reform is considered as having little readership appeal by journalists and 'does not instinctively strike a sympathetic chord with large numbers of the public' (Blom Cooper 1977: 7). Furthermore, while penal reform campaigners are able to rely on a discourse of vulnerability in relation to women offenders (one rarely available for men), this remains in the face of entrenched social constructions of the 'ideal woman'. How those campaigning to reform penal policy for women have negotiated Post-War developments in penal policy, and what strategies they pursue to respond to the increasing use of imprisonment for women is therefore a major research concern. In addition to its focus on network politics, this study is therefore also a contribution to interpretive political science, examining the beliefs of political actors (Rhodes, 2011: 4) and their understanding of the social world within which they operate.

Joining a growing area of scholarship (for early contributions see for example Smart, 1976; Gelsthorpe, 1989; Gelsthorpe and Morris, 1990; Heidensohn, 1985; Carlen *et al.*, 1985; Carlen, 1998; Carlen and Worrall, 1987; Worrall, 1990), there is a fairly limited pool of research that explicitly focuses on women's penal policymaking. Furthermore, there is little, if any, research on the political and communicative strategies employed by those lobbying to reform penal policy for women. Consistent with its feminist commitment, this study will therefore take the opportunity to shine a renewed spotlight on the experiences of women offenders. While there now exists a growing number of campaigners (working in larger organisations or as individuals) dedicated to the pursuit of reform, the reality is that women make up just five per cent of the overall prison population. That the issue of female offending remains a low priority is well documented in criminological literature (see for example Carlen, 1998; Gelsthorpe, 2004; Kennedy, 2005; Corcoran, 2011; Hedderman, 2012), with successive government administrations not viewing it as a sufficient policy problem to warrant substantial public resources. This study will argue that when considered as a 'lesser social problem' (Hilgartner

and Bosk, 1988), it becomes easy to see why, despite decades of debate between campaigners and governments, the subject of women's penal policy reform has remained stubbornly low on the political agenda. It is, however, important to state at the outset that there does exist a general consensus (in academia and in politics) that the overuse of prison for non-violent women offenders is wasteful and expensive. Acknowledging that many of crucial battles have been won (in official discourse at least), this study does not aim to add to arguments already well-rehearsed. What it does aim to do, however, is to progress the debate, and shed new light on how penal reformers work to bring about policy change. Understanding that they operate in a highly politicised and multi-mediated environment, it will seek to uncover what strategies they find most effective.

In addition to its analysis of political strategies, this study simultaneously focuses on the communicative strategies employed by penal reform campaigners. Understanding that we live in a 'mass-mediated reality' (Nimmo and Combs, 1983), it is crucially important to explore the role of the news media in the policy process and the effect that news media portrayals of women offenders have on claimsmaking strategies. Like those researching the criminal justice policymaking process, those criminologists studying the *media-policy* nexus are faced with a field that is 'disparate and under-theorized' (Walgrave and Van Aelst, 2006: 89 in Silverman, 2012: 5), bearing 'relatively few academic footprints' (Silverman, 2012: 5). With a specific focus on women's penal policy, this study will adopt the approach taken by Silverman, and will aim to unravel 'the interlinking relationships between the media and policymakers and shapers and the impact on criminal justice' (2012: 1). Analysing penal reform campaigners as news sources, this study therefore joins that body of research (Schlesinger, Tumber and Murdock, 1991; Schlesinger and Tumber, 1994; Miller, 2010) that aims to provide a more holistic account of the news production process. Taking into account the changing media landscape, the sociology of news production and the news packaging techniques of journalists, it will draw on the work of McCombs (2014) to examine how penal reformers attempt to influence the media agenda. Mirroring growing interest in the news framing behaviour of journalists (see Entman, 1993), there has been a lesser, but corresponding interest (particularly in the American political sciences) in the activities of lobbying organisations and how their framing activities have developed (Johnson-Cartee, 2005: 243). Using framing theory to explore the concept of the news media as a 'non-compliant partner' (Hilton *et al.*, 2013) in the process of policy reform, it will investigate the particular difficulties encountered by those seeking to have sensible

'public conversations' about women's penal policy. Framing theory will also be used to explore the array of communicative efforts employed by penal reform campaigners. Considering strategies in relation to Rutherford's (1993) typology of penal ideologies, this study will also draw on the frame alignment processes developed in the political sciences by Snow *et al.* (1986).

A final initial consideration is the aimed contribution to public criminology and penal policymaking. For many social scientists, engagement with the policymaking elite is not, and never will be, a professional ambition. Yet debate persists about the contribution of academic criminology to the policy process and its relevance in contemporary policy debates. Criminology has been called 'a successful failure' (Loader and Sparks, 2008: 18), and it is indeed true that there are serious political limits to the expert role of policy-oriented criminologists (Chancer and McLaughlin, 2007: 158). Zajac (2002: 252), for example, has observed that academics, policymakers and practitioners largely operate in their own distinct spheres, and draw on their own research in the process. This has had the regretful consequence of the further erosion of criminology in the policy process (in Ismaili 2006: 256). While there may be a tendency for criminologists to specialise in 'narrow, irrelevant research areas and address their work to a primary audience of their peers and students' (Chancer and McLaughlin, 2007: 161), there are, however, different ways that academics can 'do' public criminology and connect with multiple audiences (Chancer and McLaughlin, 2007: 168). With an explicit policy focus and a practical intention, this research will provide pragmatic information for those engaged in penal reform campaigning as well as the wider network of actors working on women's penal policy. Faulkner and Burnett have argued that criminology should not be isolated from wider reflections on social and economic policy, public administration and politics (2012: 7). This study follows their approach and aims to provide an informative and unbiased contribution to current penological debate.

## ii. Scope

There are very few studies of this kind, and certainly none within the field of criminology. Looking, as a consequence, to research conducted in the political sciences, this study takes inspiration from Whiteley and Winyard's study of the UK poverty lobby in the 1980s which

aimed to 'fill a gap in both the political science and social policy literatures' (1987: 2). While this research has a different empirical focus, it does however aim to follow Whiteley and Winyard's lead by linking empirical analysis with theoretical discussion to form what Merton (1949) described as middle-range theory. Since Whiteley and Winyard's study of the activities of the poverty lobby in the 1980s, it is universally acknowledged that the public sphere has experienced a paradigm shift. This study into contemporary policymaking must therefore consider the role and impact of the news media in far greater detail. Critically considering how penal reformers seek to influence the policy process, what strategies and tactics they use, and the importance they place on the news media as a policy tool, it will examine the complex nature of contact between campaigners, journalists and policymakers at the crime-media nexus.

It is also important at this stage to outline the scope of the study, and to underline its empirical boundaries. It is important to highlight that the news media analysis relates solely to the *national print media*. It was not possible, and neither was it the aim of this research, to analyse news channels or news broadcasts. While undoubtedly threatened by developments in media technology, the national print media continue to exert agenda-setting dominance, evidenced by a total daily readership of ten million. Of this figure, *Sun* readers account for nearly three million and *Daily Mail* two million (McNair, 2009: 3). With a substantially larger readership than the left-leaning newspapers, it is the right-leaning newspapers that are able to exert the greatest political pressure on governments and are better positioned to influence policy decisions. In terms of the subject matter, while a great deal of data and analysis is generalizable to the penal reform network as a whole, the research specifically focuses on *women's penal policy*, and the previously uncovered territory of relations between campaigners, journalists and policymakers operating in this area. One final consideration is that of the timeframe. While the study tracks developments in the women's penal reform network from the early 20<sup>th</sup> century onwards, this documentation has already been skilfully completed by Logan (2008). The main timeframe for this study, the fifteen year period between 1997 and 2012, is therefore largely concerned with the 'policy window' (Kingdon, 1984) that emerged during the New Labour government, the formulation of the Corston agenda and the consequent policy developments under the Conservative-led Coalition.

This is an interesting time in the history of women's penal reform. After decades of unrewarding campaigning, and following the watershed Corston Report of 2007, government

attention was firmly focused on this area of penal policy. The research was conceived the year of the 2010 election, amidst the fears of those penal reformers who had worked hard to secure vital policy wins. Campaigners articulated widespread concern that an issue deemed of importance to New Labour would not be viewed in the same light by its Coalition predecessor. Their fears were justified. As this study will highlight, women's penal policy immediately fell off the government agenda, and it was not until September 2012, among the furore of a highly critical House of Commons Justice Select Committee Report, that a Coalition strategy for women offenders was forthcoming. By early 2015, *four* Coalition Ministers had assumed responsibility for this brief, each to a greater or lesser extent interested in the problem of women's offending. At the time of fieldwork (2011-2012), interviews with campaigners and policymakers exposed a policy sphere in flux, yet the latter half of the Coalition government did herald encouraging signs. Although the specialist policy unit in the Ministry of Justice was disbanded, there did exist a determination (among the very few officials operating in this area) to make progress on this area of policy. An official strategy was published, and although criticised for providing broad targets, the renewed focus was clear. The *Transforming Rehabilitation* agenda, which came into force in early 2015, legally requires the newly-formed Community Rehabilitation Companies (CRCs) to provide gender-specific activities for women offenders in the community. Penal reform campaigners, policymakers and academics alike will monitor these developments with interest.

### iii. Overview of Study

Chapter two will provide the theoretical context for this interdisciplinary study. Approached, perhaps unusually for an investigation into policymaking, from a sociological standpoint, it will incorporate agenda-setting and framing theories developed in media and communications and the political sciences under the overarching framework of social problems research (Best, 2013) to provide a holistic account of contemporary penal policymaking. Initially viewing the policy process as one that operates through networks (see Rhodes, 1997), it will consider the changing role of organised interests in the policy process and the extent to which penal reform campaigners can be considered government insiders (Grant, 1989, 2004). Introducing the competing penal philosophies that will be debated throughout the study, it will highlight the



crucial importance of rhetoric in the process of policy reform. Chapter two will simultaneously focus on the status of penal reform campaigners as news sources, and drawing on the work of McCombs (2014), it will consider the extent to which they are able to influence the news media agenda. The final section will examine the changing nature of penal policymaking and will document the politicisation of law and order, from the heyday of the 'platonian guardians' (Loader, 2006) to the 'culture of impatience' (Loader, 2006). While recent years have signalled a return of the rehabilitation agenda (manifested in the government's *Transforming Rehabilitation* policy), such developments sit uncomfortably with the punitive rhetoric espoused by key government figures.

Chapter three will focus on the specific policy problem of women's offending and imprisonment. Initially discussing women's offending as a social phenomenon, it will explore issues and fears surrounding women, independence and deviancy. Required to conform to strict gender-role expectations, those women whose lives were less respectable were traditionally viewed as social deviants in need of 'reform'. It is of course the case that women offenders are still viewed as 'doubly deviant', crossing the laws of femininity as well as the law of the land. Analysing women's offending as a media phenomenon, it will consider the impact of sensationalised portrayals of high-profile women offenders on penal reform campaigning. The amount of news coverage dedicated to women offenders is not new, and it is possible to trace mediated distortions from the Post-War period onwards. Crime journalists continue to draw on the most high-profile cases as media 'templates' (Kitzinger, 2000), and chapter three will use framing theory to highlight how this remains the case in terms of women's offending. Considering women's offending as a political phenomenon, it will document the development of the women's penal reform network, highlighting the struggles faced by those campaigning for women's penal reform since the late Victorian period. Documenting the actions of the early penal reformers to those of the present day, it will pay particular attention to policy developments during the fifteen year period between 1997 and 2012. Demonstrating how women's penal policy has been caught up in the political momentum, it will highlight the crucial importance of political ideology in this policy domain.

Providing a clear methodological contribution to social research literature, chapter four combines both elite and gender studies to uncover the dynamics of the women's penal reform network. Elite research raises 'a particular set of issues and dilemmas which have important implications for the methodology, mode of interviewing and the process of analysis and

interpretation' (Ball 1994: 97). Researching political actors, those criminal justice professionals in government, Whitehall and beyond, introduces specific power dynamics between the researcher and the researched, particularly if political partisanship or personal agendas are at play. Taking a critical approach to traditional conceptions of elite power, it will draw on Smith's (2006) post-structural conception in discussions of the interview setting. Providing a reflexive account of the fieldwork process it will also reveal the 'untidy and emotional' (Neal and McLaughlin, 2009: 703) encounters that may occur when interviewing those who are simultaneously a female and an elite (Puwar, 1997: 4.2). In documenting issues of access and self-censorship, it will further highlight the highly politicised nature of conducting empirical research on political and policy elites.

Chapter five, the first empirical chapter, will explore the process of claimsmaking, investigating how penal reform campaigners seek to achieve their political and communicative strategies for women. Examining the various barriers to women's penal reform, including government resistance and media disinterest, it will discuss the difficulties faced by campaigners as news sources, and the various media strategies, both proactive and reactive, that they seek to employ. Revealing the spectrum of insider actors, from those with national profiles to those working to push for policy change within the private confines of Westminster and Whitehall, it will document the different struggles encountered by those seeking a greater public voice. Drawing on Kingdon's (1984) model of policy streams, and exploring Best's (2013) model of 'insider claimsmaking', it will debate whether their strategies can be more closely aligned to those of the Post-War 'platonic guardians' (Loader, 2006) who operated in the corridors of power over half a century ago.

Chapter six will focus on the role of the news media, examining the extent to which journalists seek to influence the policy process in this domain. It is clear that developments in media ownership, the proliferation of news outlets and the politicisation of law and order mean that journalists now operate in a fast-developing, and increasingly competitive, landscape. Such changes have implications for the production of crime news stories. Drawing on understandings of the news production process (see Chibnall, 1977), it will highlight the opposing standpoints of journalists working in this area, and examine the different news framing techniques that they adopt. With certain individuals (often working for agenda-setting papers) not viewing women's penal reform as either interesting or important, it will also highlight the struggles of other journalists to insert their more progressive ideas into their own

newspapers. Considering penal reform campaigners in their role as news sources, it will examine the ability of such actors to influence the metaphorical 'onion' of the media agenda (McCombs, 2014). Chapter six will reveal that access to the media for campaigners, although limited, is largely dependent on resources, politics and strategies. While campaigners have no control over the political climate within which they operate, those that make the right framing decisions stand the greatest chances of news coverage.

In examining the institutional channels of penal policymaking, chapter seven will shine a spotlight on those actors operating in the Ministry of Justice, and will discuss the different roles of Ministers and civil servants in the process of penal policy reform. In considerations of political ideology and the policy agenda, the importance of Ministerial leadership for policy change and government use of the news media as a policy 'tool', it will simultaneously assess the agenda-setting role of campaigners from the perspective of policymakers, and the extent to which campaign strategies have adapted in a changing political climate. Exploring the links between political ideology and policymaking, it will discuss the changing nature of relations between policymakers and campaigners from the mid-2000's to the aftermath of the 2010 election. Considering the importance that policymakers place on news coverage in the process of reform, it will investigate the framing strategies employed by politicians and officials when undertaking such work. In investigating the lobbying tactics that policymakers consider to be the most effective, chapter seven will also uncover the private nature of policymaking and what goes on 'behind closed doors'. Highlighting areas of collaboration and the existence of blurred boundaries, it provides an important contribution to developing understandings of penal policymaking.

Synthesising the empirical findings with existing theoretical understandings, chapter eight will provide a summary of the complex interrelations between campaigners, journalists and policymakers at the contemporary crime-media-policy nexus. In so doing, it will add weight to the importance of recognising the number of complexities to contemporary penal policymaking: the dominant political culture, the limited capacity of the government agenda, the competitive framing of criminal justice solutions and the ever-present threat of punitive public opinion. Adding a gendered perspective to the dominant penal philosophies outlined by Rutherford (1993; see also Mills and Roberts (2011, 2102)), it will argue that penal reformers hoping to improve their agenda-setting influence may wish to consider framing their messages to better align with the views of their target recipients (be it left-leaning supporters of penal

reform or, as data collected for this study argues, the views of more conservative 'middle England'). Requiring a fundamental rethink of their public face, campaigners adopting such strategies could be better positioned to influence policymakers, journalists and the public. Chapter eight will also look forward, and will consider future prospects for the women's penal reform network. That reform of women's penal policy has been caught up in the punitive momentum is widely acknowledged. How campaigners successfully negotiate the political and economic challenges ahead remains an ongoing concern, even more so as we enter the *Transforming Rehabilitation* era.

Chapter nine, the final chapter of this study, will review the contribution to empirical, theoretical and methodological understandings of contemporary penal policymaking. Casting a critical eye over accepted understandings of the policy process, it will simultaneously consider the role of the media in this process. With limited influence in the corridors of power, this research will also highlight the limitations of media work for penal reformers. Although uncomfortable reading, reflecting on this situation will enable progressive reformers to consider their future campaigning strategies. Outlining contributions to the field of social problems, penal policy and feminist criminology, chapter nine will also highlight the methodological contributions to elite and gender studies. The study will conclude by highlighting several pertinent areas for future research.

## 2. Theory and Context

### i. Introduction

This study is, perhaps unusually, approached from a sociological standpoint, and while incorporating key theories from media and communications and the political sciences, will use *social problems* research as a key theoretical glue to provide a holistic account of the policymaking process (predominantly, although not exclusively, from the perspective of penal reform campaigners). Providing not only the structure for this chapter but the thesis as a whole, Best's (2013) natural history model of the social problems process is utilised to provide *a series of general building blocks* to help synthesise the disparate research traditions. Best's description of the social problems process delineates various 'stages' along the pathway to policy change; from initial claimsmaking, to newsmaking, to the policymaking process itself. Adopting the above stages as distinct areas of inquiry, this research will simultaneously draw on relevant literatures associated with claimsmaking and 'ideas' in the policy process, the role of the media and the relations between journalists and news sources, and theories of policymaking. Part two will provide an overview of the social problems research tradition, outlining Best's theoretical model of the social problems process and summarising the concept of 'claimsmaking'. Introducing media and communications theory, part three will consider the social production of the news and the news framing techniques of journalists, before focusing on the agenda-setting function of the news media, together with the changing nature of 'source' access. Part four will explore accounts of the policymaking process developed in the political sciences, including contemporary understandings of agenda-setting theory and the changing role of policy actors as 'organised interests'. In documenting how the politicisation of law and order has affected the very nature of criminal justice policymaking (from the heyday of the 'platonian guardians' (Loader, 2006) to the 'culture of impatience' (Loader, 2006)), part five will briefly highlight the growing importance of public opinion in this policy domain. The overarching aim of this chapter, therefore, is to introduce the key literatures that will bind the interdisciplinary roots of this study together, with part six providing a tentative framework for analysis that will lead into an examination of the specific policy problem of women's offending and imprisonment in chapter two.

## ii. The Social Problems Process

Supplemented by works from political science, media and communications and feminist sociology, this study is heavily inspired by the work of Joel Best (1987, 2013) and his research on social problems, claimsmakers and the policy agenda. In their now famous quote, Hilgartner and Bosk define a social problem as ‘a putative condition or situation that is labelled a problem in the arenas of public discourse and action’ (1988: 55). A social problem exists, therefore, ‘primarily in terms of how it is *defined* and *conceived* in society’ (Blumer, 1971: 300, emphasis added). To Best, it is not the objective quality of a social condition, but rather the subjective reactions to that condition, that make something a social problem (2013: 9), and not all ‘problems’ come to be defined as such. Through the competitive practice of ‘problem definition’ ‘conceptions, discourse, beliefs and norms... define the process of policymaking’ (Best, 2013: 176) and how a problem is *constructed* plays a role in determining what is, or is not, viewed as warranting a clear policy response (Dorey, 2005: 8). As will be discussed throughout this study, some issues might not be defined as problems because they conflict with the dominant attitudes (or political ideology) in society at any given juncture (Dorey, 2005: 11), or because they do not affect a large number of people. This study will argue that although clearly a social problem for society, the issue of women’s offending and imprisonment has not received widespread articulation in politics, the media and public discourse, and has developed, therefore, into what can be classed as a ‘lesser social problem’ (Hilgartner and Bosk, 1988). Political actors working in this area (in whatever guise) must therefore work extremely hard to keep the issue alive on the margins of public debate (Hilgartner and Bosk, 1988: 57).

Since the term social problem encompasses a vast array of issues from crime to health to welfare, Best constructed a retrospective ‘general framework’ or ‘natural history model’ (2013: 18) to guide those investigating the social problems process. The term ‘natural history’ was included by Best to ‘refer to a sequence of stages that tends to appear in lots of different cases’ (2013: 18), and while acknowledging that not every empirical case study will fit the model, it is outlined here to provide an initial level of theoretical structure to the complexity of the policy process.

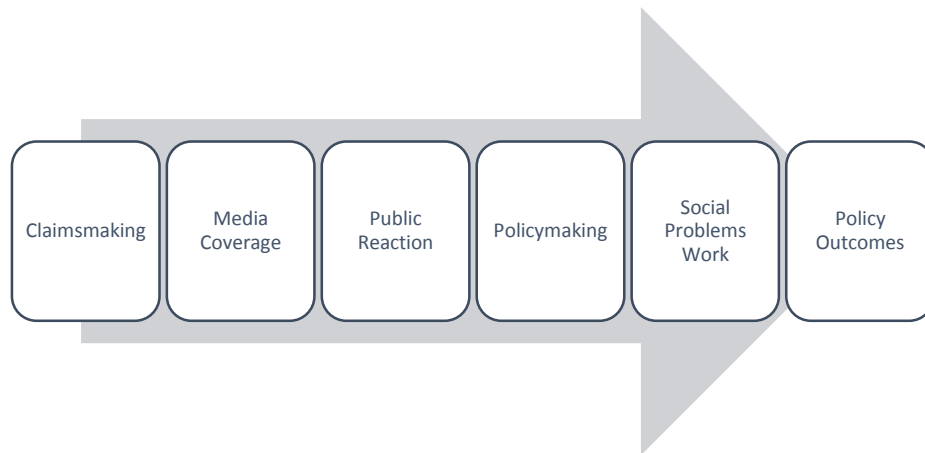


Figure 1. The Basic Natural History Model of the Social Problems Process (Best, 2013: 19)

Best’s simplistic model depicts claimsmaking running along a linear process, through media coverage and public reaction to gain the attention of policymakers. Given the orientation of this study, only certain stages of the above model are of empirical interest<sup>2</sup>. Focusing on the specific policy actors in question, Figure 2 illustrates the separate building blocks that will be explored. Drawing on a number of theoretical perspectives, each stage will be investigated in turn.



Figure 2. Areas of Empirical Focus

<sup>2</sup> As the primary concern of this research is the process by which claims find themselves onto the policy agenda and are subsequently dealt with by policymakers, the final two stages (those of ‘social problems work’ and ‘policy outcomes’) have been deliberately omitted. Furthermore, the original stage three, that of ‘public reaction’ has also been excluded and does not provide a distinct point of empirical review. Initial interviews with campaigners, policymakers and journalists revealed that the public have limited concern when it comes to the subject of women’s penal policy, and the inclusion of public reaction as a stand-alone stage in the pathway to reform is therefore unnecessary (although clearly an area for deeper investigation in future research). Through a reflexive process, stage three was therefore removed and amalgamated with stage two (which still allows for an element of ‘public outrage’).

Best's original conception also highlights the external pressures of resources and rhetoric on the social problems process. Different levels of resources (not simply financial) expose the fact that not all claimsmakers are equal, and allude to the presence of a 'hierarchy of credibility' in the social problems process. The pressure of rhetoric is similarly key, as possessing the necessary skills to develop persuasive discourse is a fundamental claimsmaking tool. Even those policy actors allied in a claimsmaking campaign (members of the same policy network) may adopt different forms of language to further their arguments or emphasise different elements of the same problem (Best, 2013: 25). As this research will highlight, such divergence can be detrimental to the campaign in question, as politicians, journalists and members of the public receive contradictory and sometimes competing claims.

### *Claimsmaking and Rhetoric*

Those actors engaged in a claimsmaking campaign wish to highlight what they perceive to be a troubling condition (Best, 2013: 26) and to 'convince others that X is a problem, that Y offers a solution to that problem, or that a policy of Z should be adopted to bring that solution to bear' (Best, 1987: 102). Such claimsmakers work to *influence the climate of opinion* about an issue, with the ultimate hope of influencing government policymaking (John, 2012: 69, emphasis added). It is in this way that a great deal of claimsmaking work is focused on achieving *interpretative* change; policy actors wish to successfully articulate that 'X is a problem, and it is a problem of this sort' (Best, 1987: 115). Changes in policy fashion, often corresponding to changes in political administration, can therefore present a very serious challenge to those pushing for policy reform. It is argued that what the policymaking elite define as crime or deviance, for example, reflects not only their own ideological standpoint, but also the collective values of society - or at least the most mobilised sections of it (Henry, 2009). Those claimsmakers advocating alternative viewpoints must therefore work hard to 'seek contexts for their messages that may enable them to shape the public agenda' (Schlesinger, Tumber and Murdock, 1991: 400). This study focuses on those claimsmaking actors that can be said to work as part of the wider penal reform network in England and Wales. Like networks operating in other policy domains, creating arguments of interest to policymakers is a key part of their work (Mills and Roberts, 2012: 8), and they do so through undertaking a combination of lobbying, media work, research and campaigning on criminal justice issues (Mills and Roberts, 2012: 8). Of course those allied in campaign work do not necessarily adopt the same mode of



discourse: they may adopt different rhetoric to further their personal aims, perhaps emphasising different elements of the same problem (Best, 2013: 25). It is important to state at the outset that although by no means a unified network of individuals, the main policy problem as far as those campaigning for women's penal reform are concerned is the unnecessary overuse of imprisonment for non-violent female offenders (who make up the majority of the female prison population) and the lack of gender-specific policies in a criminal justice system designed for and dominated by men.

Claimsmaking is a rhetorical activity (Best, 1987: 102), and it is therefore important to examine not only the activities of claimsmakers but also the *presentation* of the claims they view as important (Best, 1987: 114). In attempts to influence the climate of opinion and promote their solutions, claimsmakers may seek to *frame* their messages in ways that they believe will best resonate with journalists, policymakers and the public. Framing theory is grounded within the social construction philosophy and accounts for the way in which political actors interpret and construct meanings within society (Johnson-Cartee, 2005: 28). Framing involves the purposeful selection of 'some aspects of a perceived reality to make them more salient... in such a way as to promote a particular problem definition... [or] moral evaluation' (Entman, 1993: 52), and is essential to 'define the gist of the controversy for the public, the media, and other key political agents' (Terkildsen, Schnell and Ling, 1998: 47). It is fundamental to the work of penal reform campaigners because '*whatever* the case of popular fear and concern over crime, the issue's significance for politics and public policy depends on how it is constructed and framed' (Sasson, 1995: 3, emphasis added). 'Shifts' in opinion influenced by new claims have the ability to permeate official discourse like 'viruses' (Richardson, 2000: 1018), but this is clearly dependent on the level of public and media support. The most adaptable claimsmakers in the 'social problems marketplace' routinely enter into a process of re-framing and modify their rhetoric until they develop the most persuasive argument (Best, 2013: 45).

Best argued that the formation of claims (falling within the initial building block of the social problems process) comprised three main components: *grounds* include the objective information and evidence about the condition; *warrants* contain the justifications for policy reform and appeals to values, while *conclusions* outline the recommended policy changes (Best, 2013: 31). While penal reform campaigners generally agree on stages one and three (the statistics surrounding women's offending and imprisonment and the requirement for different

criminal justice responses, for example), they understandably diverge on their choice of rhetorical strategy. In analysing their different justifications, it is the formulation of *warrants* that provides the focal point for the literatures discussed below. Considering the role of social psychological and organisational considerations in the process of framing, Snow *et al.* (1986) argued that political actors should consider a variety of ‘frame alignment processes’ when developing their rhetoric (in Johnson-Cartee, 2005: 246). As highlighted by Johnson-Cartee (2005: 246), such considerations are relevant in terms of both public support and media interest. Considered throughout this study, it is necessary to briefly outline Snow *et al.*’s criteria for adaptive framing. *Frame alignment*, or the degree to which claimsmaking rhetoric is able to link to individuals’ interests, values and beliefs, also encompasses:

- *Frame bridging*, the linkage of two or more ideologically congruent but structurally unconnected frames regarding a particular issue or problem, at organisational or individual claimsmaker level (1986: 467). This may involve seeking support from those with similar views.
- *Frame amplification*, the clarification and *invigoration* of an interpretive frame that bears on a particular issue or problem (1986: 469, emphasis added). This may involve framing issues in a more ‘exciting’ way.
- *Frame extension*, extending the boundaries of the original frame so as to encompass interests and points of view that are incidental to its primary objective but of considerable salience to potential adherents (1986: 472). This may involve widening the argument to encompass different (but connected) issues.
- *Frame transformation*, where, consistent with the viewpoint of Best (2013), erroneous beliefs or ‘misframings’ must be reframed (see Goffman, 1974: 308) in order to garner support (Snow *et al.*, 1986: 473). This may involve the adoption of a completely new or different angle.

While Snow *et al.*’s sliding scale of typologies (frame bridging posing the least risky strategy and frame transformation the most) relate to the American political sciences, this study will consider them in conjunction with the dominant penal philosophies outlined by Rutherford (1993). Rutherford, in his typology of penal ideology, identified three competing philosophies or ‘working credos’ for penal policy: punitive, efficiency and reformative. Deliberated

throughout this study, Rutherford's assessment of the punitive philosophy involves a 'powerfully held dislike and moral condemnation of offenders' (1993: 11); the philosophy of efficiency, labelled by Grimshaw as a 'mediating term' (2004: 2), focuses on 'smooth management rather than... moral mission' (Rutherford, 1993: 13); whereas the philosophy of reform has 'a minimalist view of criminal justice intervention' (Rutherford, 1993: 18) and locates criminal justice within the broader remit of social policy. Mills and Roberts (2011, 2012), in more contemporary research similarly identified the above rhetoric in relation to penal *reform* strategies (which also provides a sliding scale of rhetoric):

- *Crime fighting*, where it is argued that the crime 'problem' can be better addressed by another criminal justice intervention than prison;
- *Managerialist*, where dispassionate arguments about the financial wastage of prison are made; and
- *Humanitarian*, where the human costs of the high prison population are emphasised, along with arguments about the vulnerability of sub-populations such as women and children (Mills and Roberts, 2012: 9).

Drawing on Snow *et al.*'s (1986) frame alignment processes, Rutherford's (1993) typology of penal ideologies and Mills and Roberts' (2011, 2012) analysis of penal reform discourse, this study will, for the first time, amalgamate the above literatures in its comprehensive analysis of the claimsmaking strategies employed by the women's penal reform network in England and Wales. The following section will discuss the second area of empirical investigation, theories of mediatization and their relation to the policy process.

### iii. News Media and Claimsmaking

According to Best's (2013) natural history model of the social problems process, the media's reporting of claimsmakers is a fundamental as it enables their ideas to reach wider audiences. Although this study questions the importance of such exposure, a body of research has attempted to demonstrate its importance, particularly when it comes to agenda-setting (Baumgartner and Jones, 1993; McCombs and Shaw, 1972; McCombs, 2014). Such media-

centric analyses argue that policy problems require media exposure before they can be established as public issues (Dearing and Rogers, 1996: 2). As well as reporting on new events, media can also add salience to particular policy problems (see McCombs, 2014). This section will begin with a discussion of newsworthiness and the social construction of crime news, before considering claimsmakers as news sources. It will conclude with a more focused reflection on the media's agenda-setting role in the policy process.

### *Newsworthiness and the Social Construction of Crime News*

In our mass-mediated reality, meaning is socially constructed through a process that is now dominated by the media (Nimmo and Combs, 1983). News media organisations provide the information from which the public draw their 'cognitive maps' of reality (McNair, 2009: 22; see also McCombs, 2014: 25), yet a large body of literature has demonstrated the many ways in which journalistic norms, traditions and ideologies make the news a 'manufactured product' (Kennamer, 1994: 6). Like the articulation of social problems, the news is also social construction, produced by journalists operating under a variety of professional constraints (Best, 2013: 136). McNair has argued that news is never a mere recording of reporting of the world 'out there', but an artificial, value-laden account which carries within it the dominant norms and ideas of society (2009: 40). While often being described as a 'window on the world', to Jewkes the media might be more accurately thought of as a prism, subtly bending and distorting the view of the world it projects (2004: 37). One of the earliest sociologists to consider news as a social construction was Park, who stated that;

'Out of all the events that happened and are recorded every day by correspondents, reporters, and the news agencies, the editor chooses certain items for publication which he regards as more important or more interesting than others. The remainder he condemns to oblivion and the waste basket. There is an enormous amount of news 'killed' every day' (1922: 328).

Evidently journalists need to find a story attractive to consider it as news, and in this endeavour they are guided by intuitive news values. Building on earlier work by Galtung and Ruge (1965), Chibnall (1977), in his seminal ethnographic work *Law and Order News*, mapped out the professional imperatives or news values that shaped the reporting of crime. Chibnall described

news values as the value judgments that journalists and editors make about the public appeal of a story and also whether it is in the public interest. Original 'values', still widely referenced in academic literature, included novelty, simplification, dramatization, immediacy, personalisation and conventionalism. In an attempt to better correspond to crime reporting in the twenty first century, Jewkes (2004) updated this list to include values such as sex, celebrity and violence. Jewkes also stressed the importance of conservative ideology and the right-wing consensus that claims to encapsulate the 'British way of life' (2004: 58). Galtung and Ruge argued that the more events are able to satisfy news values, the more likely they will be registered as news; and once a news item has been selected, what makes it newsworthy will be emphasised (1981: 6-61). Much like the communicative strategies employed by claimsmakers, 'journalists' sense of news values leads them to present public issues within certain frames' (Price and Tewksbury, 1997: 177), with the consequent result of defining 'the fund of ideas available to citizens as they think and talk about politics and public affairs' (Price and Tewksbury, 1997: 177). The investigation of news values and news frames is crucial in attempts to understand 'how news reporting of crime, and of the particular types of crime on which journalists disproportionately focus, is selective and unrepresentative' (Greer, 2007: 21). Of concern for penal reformers is the fact that journalists often attempt to appeal to their readers' most basic instincts, and stories about violent interpersonal crime or 'cushy' prison conditions persist. For a variety of reasons (mostly commercial), some sections of the news media have become part of the entertainment industry instead of providing a forum for informed debate of crucial issues of public concern (Franklin, 1997: 4).

### *The Sociology of News Production*

The two theoretical paradigms that have shaped news media research in the twentieth century, the control and liberal pluralist interpretations, have been well documented in both media and criminological literature (Greer, 2010; see also Jewkes, 2004). Throughout the 1960s and 1970's, the dominant ideology or Marxist model proposed that media were owned by the ruling elite and operated in the interests of that class, denying access to alternative views (Jewkes, 2004: 16; see Hall *et al.*, 1978; Herman and Chomsky, 1988). Viewed through this lens, a hierarchy of credibility is established, in which opinions of the powerful elite are privileged, while the public or 'passive receiver' is prevented by a lack of comparative material from engaging in critical thinking (Ericson, Baranek and Chan, 1987). In criminological terms,

'this structured relationship between the media and its 'powerful' sources has important consequences for the representation of crime and criminals, particularly with respect to those whose lifestyle or behaviour deviates from the norms established by a white, heterosexual, educationally privileged elite' (Jewkes, 2004: 18). The pluralist paradigm that emerged during the 1980s and 1990s sought to provide a more positive standpoint in media theorisation. According to this view, information is offered to a knowledgeable and sceptical audience, positioned alongside an army of 'counter definers' – individuals with views which conflict with those of official commentators. The media are thus consistently challenged by claimsmakers campaigning for policy changes in areas such as criminal justice (Jewkes, 2004: 21). While the pluralist standpoint has been criticised for being too idealistic, it would be fair to say that the expansion and proliferation of media channels has certainly made more accessible the views and ideas of a greater diversity of people. Disregarding the two dominant ideological approaches as inflexible, Schlesinger, Tumber and Murdock (1991; see also Schlesinger and Tumber, 1994) provided an alternative account of the news production process. Less ideologically deterministic (Greer, 2010: 251), it provided a source-centric analysis of the media strategies employed by criminal justice agencies engaged in this field. Schlesinger, Tumber and Murdock argued that while important to recognise the structural inequalities of access to the media, one should not ignore the *competitive* strategies for media attention employed by news sources (1991: 399). How the 'definitional struggle is organised' in the field of crime and criminal justice (Schlesinger, Tumber and Murdock, 1991: 399) must therefore be a key focus for those analysing the strategies of claimsmaking actors.

Finally, it is also important to document the development of other forms of journalistic source. The blogosphere, for example, has been described as a 'new commentariat', a group of online writers who increasingly threaten the traditional gatekeeping role of the journalist (McNair, 2008). This means that 'the ability to produce information for mass dissemination is no longer restricted to those in power, nor limited to those who own the means of media production' (Maltby and Keeble, 2007: 3). Whatever approach adopted, it is clear that the traditional role of journalists as the gatekeepers of information has already started to change in a number of ways (Silverman, 2012: 139).

### *Claimsmakers as News Sources*

Claimsmaking is a competitive process, and those claimsmakers seeking public attention may find themselves competing for media attention. That the news media serve as a collective gatekeeper is widely acknowledged, and claims or campaigns prepared with the news production process in mind (media-friendly rhetoric) are more likely to receive coverage (Best, 1978: 116). In this quest, savvy claimsmakers must 'construct their packages' (Best, 2013: 144) in modern ways to satisfy journalists constantly eager for new claims and fresh angles (Best, 2013: 156). Gandy (1982) described the relationship between a newsroom and its sources as reciprocal, with certain actors able to fill newsmaking voids through the provision of 'information subsidies'. Of course not all actors enjoy such relations, due to limits on the 'carrying capacity of public institutions' (Hilgartner and Bosk, 1988: 56), and the continued reliance by journalists on a relatively small number of those deemed most 'credible' (due to media-related *resources*, investment in PR, institutional tradition etc.). There is, therefore, a concern that by only seeking out established sources, journalists may be ignoring voices not already established unless they are unusually distinctive (Danielian, 1994: 76; see also Hall *et al.* 1978; Chibnall 1977). While those wishing to engage with the news media attempt to construct newsworthy packages, there is no guarantee that journalists will consider their claims as either newsworthy or important. It is in this way that actors can become 'dispossessed' (Best, 2013: 141), finding it extremely hard to receive media coverage and searching for alternative, private ways to lobby, for example. As this study will highlight, the issue of 'claimsmaker dispossession' is an important consideration when examining the strategies of those who campaign on the unpopular and unnewsworthy cause of penal reform.

As section five will examine, changes in the policymaking process have had some serious consequences for those penal reformers seeking to 'unravel Britain's punitive paradox' (Ryan, 2004: 12), and they have had to become increasingly skilled at the techniques of selling themselves and their policies in the 'political market-place of contending parties and interest groups' (Schlesinger and Tumber, 1994: 7). An issue of continued debate, Hilton *et al.* (2013: 145) consider lobbying at its most effective *only* when it has been combined with media strategies. As it is only insiders that enjoy a 'seat at the table', and often a limited one at that, Hilton *et al.* argue that it is only when actors *bypass* the traditional Westminster arena that they have been able to employ real influence (2013: 145). Yet while the media has become an increasingly important outlet for penal reform campaigners, it has not always acted as a

'compliant partner' (Hilton *et al.*, 2013: 161) in the process of penal reform. Due to their own personal opinions, ideologies and news imperatives journalists translate and sometimes distort claimsmakers' messages into 'secondary claims', often by making them shorter and more dramatic (Best, 2013: 128). As a consequence, only claims that fit the media's criteria (Best, 1987: 116) will be the most successful, and journalists are far more likely to use information that comes as a populist 'news package' (Johnson-Cartee, 2005: 199). Furthermore, given increasing audience segmentation, claimsmakers must also work to tailor their messages to appropriate audiences and news organisations. While penal reform campaigners may augment their claims to communicate with their own supporters or memberships as well as the wider public, Schlesinger and Tumber have argued that such strategies 'are worked out in relation to quite a specific conception of the public sphere. This is strongly centred on *elite media* as both educative vehicles and as a means of communication with opinion-formers' (1994: 104, emphasis added).

It is clear that rhetoric about crime and criminal justice is produced in a hierarchical social space in which competing political actors range from government departments through to pressure groups (Schlesinger, Tumber and Murdock, 1991: 399). Access to the news media is dependent on a host of variables, including resources (financial and personnel), institutional longevity and the existence of close working relations between claimsmakers and journalists. McCombs' (2014: 113) 'metaphorical onion' of the media agenda (see Figure 3 below) neatly conceptualises this issue. At the surface or the periphery of the 'onion' are the host of external news sources (including penal reform campaigners). News norms (traditions, news values) surround the onion's core, which defines the ground rules for the ultimate shaping of the media agenda (McCombs, 2014: 112).



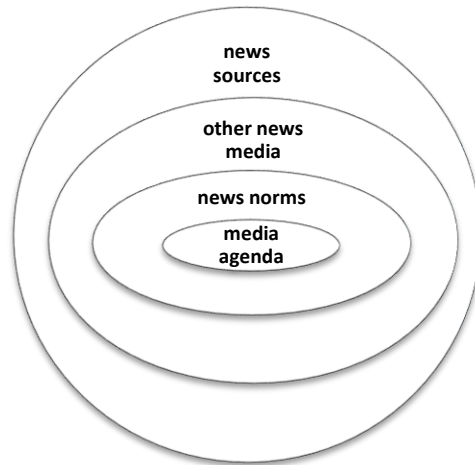


Figure 3. The Metaphorical 'Onion' of the Media Agenda (McCombs, 2014: 113)

### *The News Media and Public Policy*

Although critics such as McQuail have questioned the agenda-setting function of the media as 'a plausible but unproven idea' (1987: 276), others have attempted to demonstrate the fundamental role of the media in the policymaking process. Kennamer has argued that one of the most important roles for the media is to establish the areas of concern and discussion for the public (1994: 7; see also Best, 2013). Those concerned with media agenda-setting assert 'a direct, causal relationship between the [journalistic] content of the media agenda and subsequent public perception of what the important issues of the day are' (McCombs, 1981: 211), and it is clear that media attention can bring a social problem to public attention (Best, 2013: 152). Agenda-setting is often influenced by a 'trigger event', 'a cue-to-action that occurs at a point in time and serves to crystallize attention and action regarding an issue's salience' (Dearing and Rogers, 1996: 78; see also Downs, 1972). Yet as highlighted by Dearing and Rogers, the media's agenda-setting effect is not the result of audiences receiving one or a few messages, but is often due to the cumulative impact of a very large number of messages (usually from a number of news organisations) all dealing with the same issue (1996: 14). The role of the news media in the high profile abduction and murder of Sarah Payne in 2000, can provide a useful example. Payne was sexually abused and murdered by convicted sex offender Roy Whiting, and the now defunct *News of the World* was instrumental in campaigning for parents to have more controlled access to the sex offenders register, in what has become

known as Sarah's Law (see Critcher, 2002). In this instance the media demonstrated a clear capacity to construct the public agenda, what has been simplistically called 'legislation by tabloid' (Franklin and Lavery, 1989). Despite such instances of agenda-building, Grossman and Kumar have argued that it is important to recognise that 'news organisations are neither traditional political actors nor are they a fourth branch of government' (1981: 106). Yet by labelling them as 'arbiters of the political system' (Grossman and Kumar, 1981: 106-7), it is possible to consider news organisations as a distinct type of political actor (Cook, 1998) in the policy process. It is clear that in recent decades growing numbers of policymakers have increasingly considered how news media organisations will react to policy decisions (Johnson-Cartee, 2005: 76) prior to their implementation.

Exploring theoretical interpretations developed in the political sciences, the following section will consider the third area of empirical investigation, and will discuss two highly influential models of public policymaking (Downs' (1972) 'issue attention cycle' and Kingdon's (1984) model of policy streams). In documenting developing understanding of governance and network theory (Rhodes, 1997, 2007), it will also explore the changing role of penal reform campaigners as organised interests in the policy process.

#### iv. Claimsmakers and the Policy Process

##### *Public Policy Concepts: Cycles, Streams and Networks*

Unlike the very visible world of the media, the policymaking stage of the social problems process is shrouded in secrecy, and the actions of claimsmakers operating in this domain are more challenging to identify. Only those claims that successfully reach the top of the political agenda are likely to receive consideration from policymakers. An agenda can be defined as a set of issues that are communicated in a hierarchy of importance at a point in time (Dearing and Rogers, 1996: 2), and it is easy to understand why, 'of the thousands and thousands of demands made upon government, only a small portion receive serious attention from public policy-makers' (Anderson, 1975: 59). Like those engaged in social problems research, political scientists have been concerned with the process by which 'problems' are recognised as such and consequently dealt with by policymakers.

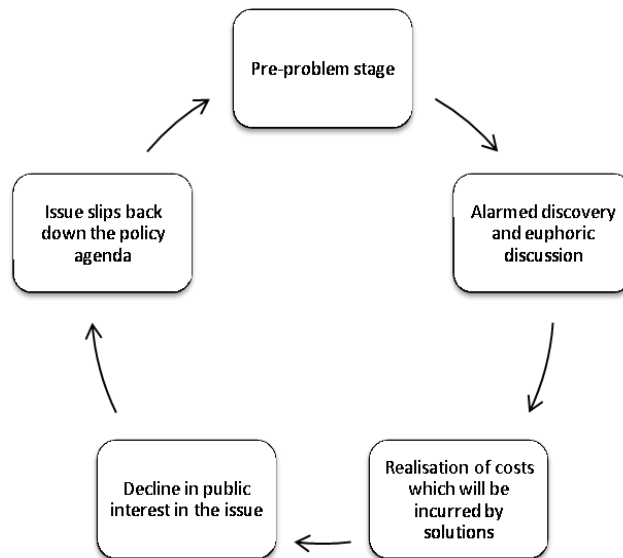


Figure 4. The Issue Attention Cycle (Downs, 1972)

Anthony Downs' concept of the 'issue attention cycle' sought to explain how a problem 'leaps into prominence, remains there for a short time, and then – though still largely unresolved – gradually fades from the centre of public attention' (Downs, 1972: 38). Acknowledging the role of the media in the policymaking process, Downs argued that the cycle is rooted in the way that 'major communications and media interact with the public' (1972: 39). Downs believed that problems and their entertainment value were inextricably linked, for 'a problem must be dramatic and exciting to maintain public interest because news is 'consumed' by [the] public largely as a form of entertainment' (1972: 42). However this 'public attention rarely remains sharply focused upon any one domestic issue for very long – even if it involves a continuing problem of crucial importance to society', reflecting 'the operation of a systematic cycle of heightening public interest and then increasing boredom with major issues' (1972: 42). As issues invariably move 'up' and 'down' the policy agenda over time, they become part of the 'issue attention cycle'. Downs did concede that the cycle did not fit with all policy problems; if the problem is not deemed sufficiently exciting or if people do not suffer directly from it there will be little appetite for change. While providing a cyclical understanding of the policy agenda and highlighting the importance of the media in this process, Downs' model is perhaps of less

relevance to the policy problem of women's imprisonment due to its arguable status as a 'lesser social problem' (Hilgartner and Bosk, 1988).

John Kingdon's alternative, and highly influential model described policy change as 'an idea whose time has come'. Kingdon argued that this process included changes in public opinion, repeated mobilisation of people with intensely held preferences and different political 'bandwagons' (2003: 1). To Kingdon, the policy agenda constituted the list of subjects or problems to which government officials (and people outside government closely associated with those officials) were paying serious attention to at any given time (Kingdon, 2003: 3). Consistent with social problems literature, Kingdon differentiated between 'conditions' and 'problems' in that conditions become defined as problems when society believes that something needs to be done about them; the objective nature of the problem does not need to change. In introducing the concept of the 'policy soup', 'in which specialists try out their ideas in a variety of ways... proposals are floated, come into contact with one another, are revised and combined with one another, and floated again' (1984: 21), Kingdon highlighted the importance of rhetorical 'problem definition' in the policy making process. Consistent with the arguments of Best (1987, 2013; see also Snow *et al.*, 1986; Gramsci, 1971), Kingdon argued that the most successful policy entrepreneurs in this context are able to frame or re-frame their responses to 'fit' their problem to the current political climate or national mood.

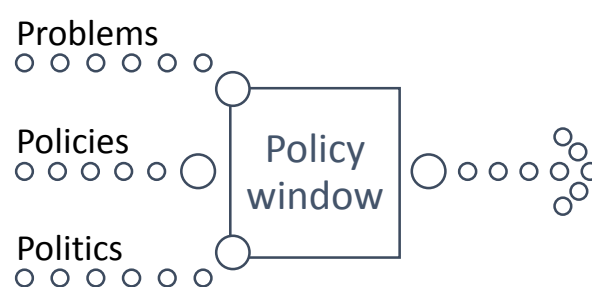


Figure 5. The Model of Policy Streams (Kingdon, 1984)

As demonstrated by Figure 5 above, Kingdon argued that there were three main processes by which problems may find themselves on the political agenda; first, the continual flow of

problems pressing on the system (this may also include a crisis); second, the policy proposals (or claims) advocated by specialists (who frame and re-frame their issues to fit the national mood); and third, the political processes which may affect the agenda, including election results. According to Kingdon, each of these processes – problems, the generation of policy proposals and politics could serve as an enabler or inhibitor to policy reform. The model's major focus was the existence of a time-specific policy 'window', accessible when separate streams come together at critical junctures. As a consequence, ideas and solutions that waited for the policy window to open had limited time to act, with some required to 'piggyback' other, more popular or pressing issues. As one policy official noted in Kingdon's original thesis;

'When you lobby for something, what you have to do is put together your coalition, you have to gear up, you have to get your political forces in line, and then you sit there and wait for the fortuitous event' (1984: 173).

Developed over thirty years ago, Kingdon's notion of policy streams continues to provide policy analysts with an important conceptual tool, highlighting the crucial importance of ideas and politics in the policymaking process. While it is important to note the limited theoretical space for media involvement (plus the fact that it assumes that there is an 'end point' to policy formulation), this study will draw on its useful concept of policy 'streams' and 'windows' when analysing developments in women's penal policy.

While both influential models continue to retain relevance for scholars of public policy, it is important to appreciate that they were formulated in the American political sciences. Focusing, as this study does, on the British policy context, it is important to take into consideration the Post-War developments in British policymaking, from the hierarchical Westminster model to what Rhodes (1997, 2007, 2011) has identified as the current system of 'governance'. For some observers the British government is still based on its traditional Westminster-majoritarian characteristics (the classic constitutional view), with this understanding retaining legitimacy in the minds of politicians and the media (Jordan and Cairney, 2013: 234). Yet such viewpoints have come under a great deal of critique. In their seminal work *Governing Under Pressure*, Richardson and Jordan highlighted the importance of organised interests in the policymaking process, and concluded that 'the traditional model of

a Cabinet and Parliamentary government is a travesty of reality' (1979: 91), alongside an analysis of the changing role of organised interests in this domain.

It is clear that since the 1970s there have been a growing number of political actors seeking to influence the policy agenda. While the *consensual* policy style was a clear feature of Post-War politics (Beer, 1956; 1965), with entrenched political actors working closely with successive governments to formulate policy change (see a description of the 'platonic guardians' in the following section), the election of the Conservative government in 1979 had lasting implications for this harmony. The consequent changes in policymaking orthodoxy meant that over the following decade 'relatively few of the new policy ideas emanated from the plethora of embedded policy communities... that had grown up during the post-war period' (Richardson, 2000: 1010). Such changes have been described by Rhodes as a political shift to governance, defined as the horizontal and vertical networks that cut across Westminster and Whitehall (2011: 210; see also Richardson 2000). If, as Rhodes suggests, governing is now distributed among various private, voluntary and public actors, the role (or rolling back) of the state could be regarded as shifting from hands-on commanding (or 'rowing'), to more diverse and informal modes of 'steering' (Rhodes, 1997) through other agencies and non-departmental public bodies (Rhodes, 2011: 240). Governance therefore refers to governing *with and through networks* (Rhodes 2007: 1246, emphasis added). Policy networks, like the penal reform network under consideration in this study, are specific forms of networks within governance (Cope, 2001: 4), and can be used to help illustrate the relations between central and local government, and between government and pressure groups (Cope, 2001: 4). It is, however, important to note that the network approach has come under sharp focus, with several commentators claiming that the concept provides only a 'metaphor' (see Dowding, 1995) for those seeking a sophisticated analysis of the policymaking process. Borzel has gone further to highlight the confusion emanating from the 'Babylonian variety of different understandings and applications of the policy network concept (1998: 254). While subscribing to this critique, this study adopts the network analogy to describe the collective actions of key actors operating in this policy domain, highlighting areas of union as well as divergence.

#### *Organised Interests in the Policy Process*

It is worth noting that until the late 1970s, the study of interest group participation in the policy process was limited (Richardson, 2000); the change in focus corresponding with developing

analyses of policymaking and attempts to provide a new 'reality' of governing (Judge, 1993). One of the first to identify the differentiated nature of access in the policy process was Schattschneider (1935). Coining the now familiar terms of 'insiders' and 'outsiders' for the first time, Schattschneider distinguished between those groups that enjoyed privileged access to decision makers, and others who did not (in Maloney, Jordan and McLaughlin, 1994: 18). Grant, who adopted this classification, has argued that the basic distinction between groups is one based on *strategies*, by which is meant the combination of modes of action used by an interest group to attain its goals' (1978: 2, emphasis added). In general terms, insider groups are recognised by the government as legitimate spokespersons for their particular causes, yet in order to gain this status they need to be in a position to deploy certain political skills. In particular they need to 'talk the language of government' and implicitly agree to abide by 'the rules of the game' (Grant, 2004: 408); what Hilton *et al.* (2013) have since labelled the politicisation process.

Grant's typology of insider distinctions consists of *prisoner groups* who are trapped (and possibly gagged) by their reliance on government funding, *low profile insiders* who place great emphasis on working behind the scenes and are unlikely to utilise the media as a strategy, and *high profile insiders* who aim to persuade the government through public campaigns (1989: 16). A critique of the traditional insider/outsider distinction is that group strategies such as direct action or media work may be more constrained (by membership or finance, for example) than Grant's original model allows. In more recent work, Grant has conceded that the traditional hard and fast typology of the insider/outsider distinction is diminishing. Grant does however continue to argue that the 'older' style of insider politics has not disappeared, and that the continued importance of traditional forms of pressure politics should not be understated *simply because they are less visible* (2004: 418, emphasis added). In direct contrast to the strategies advocated by Hilton *et al.* (2013), Miller has similarly argued that some political actors may prefer low profile work in Whitehall, considering this a more effective strategy than resulting to media coverage (2010: 127). Actors employing such strategies may also be considered as resource-rich, perceived as respectable and credible by policymakers (Miller, 2010: 127), and not resorting to contentious media tactics to draw attention to their claims. Consistent with the above viewpoints, Best's (2013) contribution to the insider/outsider debate neatly depicts the differing strategies.

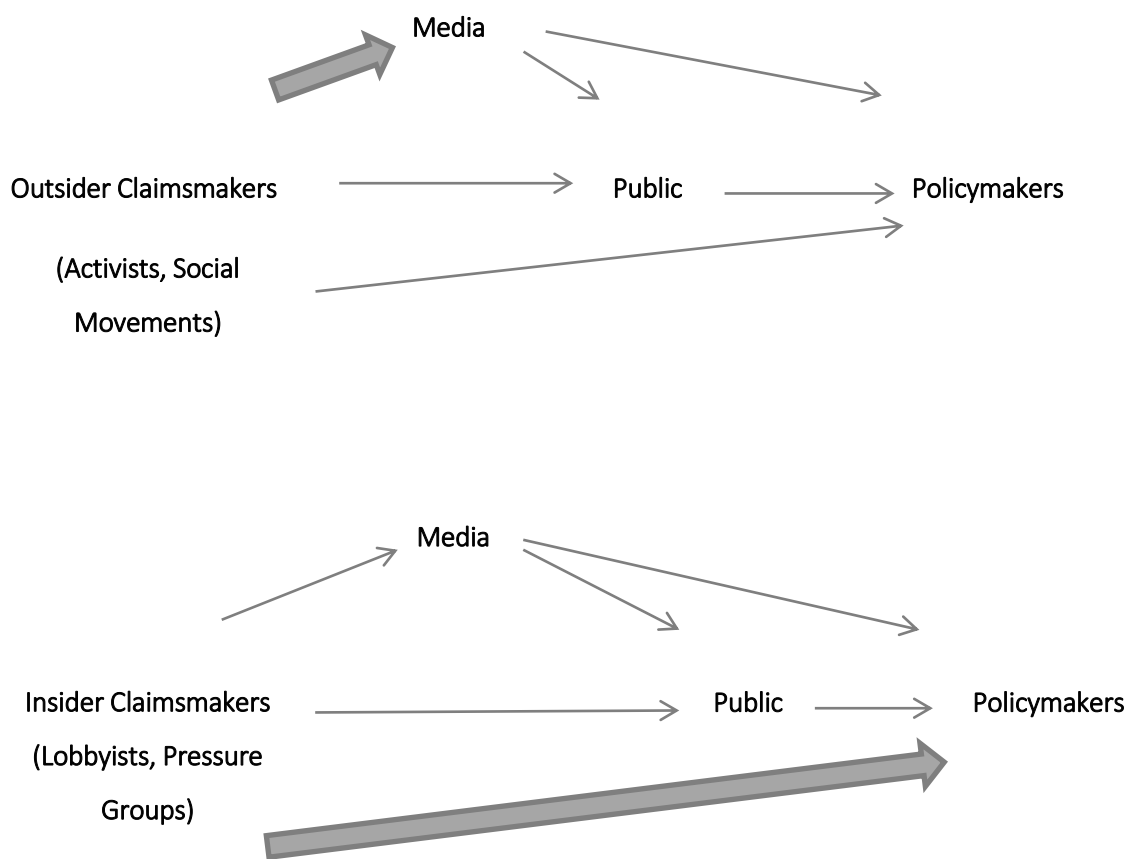


Figure 6. Claims-making by Outsiders and Insiders (Best, 2013: 65)

As highlighted by Figure 6 above, whereas outsider claimsmakers have to revert to the media in order to receive attention, insider claimsmakers often pursue their claims outside the glare of the media spotlight (Best, 2013: 65). This more direct route depicts the claims-making process as one that runs directly from claimsmakers to policymakers, and, contrary to media-centric accounts of the policy process (see Best's (2013) model of the social problems process; also Kenamer, 1994) is a key concept explored in this study.

Despite the fact that well-connected insider claimsmakers may be part of the polity (those whose interests are routinely taken into account during the policymaking process), they may still face tougher battles regarding access to the corridors of power when compared to larger more resource-rich organisations. The tactics employed by such actors are also understandably



varied (Hilton *et al.*, 2013: 117). Political strategies range from providing briefings for parliamentary debates, giving evidence (oral or written) to Select Committees, responding to formal or informal consultations, forging close relations with politicians (of all persuasions) and civil servants, organising private meetings in Westminster and Whitehall and attending All-Party Parliamentary Groups (APPGs) and receptions.

v. The Changing Nature of Penal Policymaking

The Post-War consensus on criminal justice policymaking has been well documented in criminological literature (see for example Ryan, 1983, 1999, 2003; Loader, 2006). This section will briefly outline developments in penal policy, from the heyday of the ‘platonic guardians’ (Loader, 2006) to the ‘culture of impatience’ (Loader, 2006), considering the consequences for those campaigning for reform.

*The Heyday of the ‘Platonic Guardians’*

‘That law and order were relatively insulated from the realm of party politics for so long testifies to the strength of the belief that crime, like the weather, is beyond political influence; and that the operation of the law and criminal justice should be above it’ (Downes and Morgan, 2007: 202).

In the years following 1945, the formulation of penal policy in England and Wales was in the hands of a small, almost exclusively male, elite network committed to the belief that the government should respond to crime in ways that sought to preserve ‘civilised values’ (Loader, 2006: 563). Consistent with Best’s (2013) model of ‘insider claimsmaking’ (see Figure 6), this networked world worked privately from the public glare, moving easily around Westminster and Whitehall, a group that has since been described by Loader as the ‘platonic guardians’ (2006). The ‘guardians’ amounted, to Lord Windlesham, to an ‘unobtrusive, yet pervasive climate of common attitudes shared by Home Office officials, special interest groups, and a respectable body of informed opinion’ (quoted in Loader, 2006: 140). One of the major aims of the platonic guardians was to ‘keep crime and punishment at a safe distance from electoral

politics, to retain it, so far as possible, in the realm of quiet, melioristic, unflappable administration' (Loader, 2006: 569). It was widely agreed that getting too close to the public (through consultation, for example) on matters of penal policy was to be avoided (Ryan, 1999: 5), and lobbying for penal reform better kept within the corridors of power (Ryan, 1978). Such thoughts were typified by a comment from the Chairman of the Howard League in the 1970s when he stated that 'there is a danger in a pressure group in the penal field broadening its appeal to the public...Penal reform does not instinctively strike a sympathetic chord with large numbers of the public' (quoted in Blom Cooper, 1977: 7).

### *Reactive Innovation*

As previously highlighted, following the election of 1979 a step-change in penal policymaking occurred. The election consigned the liberal elite to the fringes, and like other policy networks, the 'platonic guardians' were about to get a 'handbagging'. To new Prime Minister Margaret Thatcher, the prison population was not falling in response to the penal reductionist, liberal-conservative fiscal and social policies of the previous administration (Scull, 1984). Mirroring developments across the Atlantic, the Conservatives soon began to articulate and mobilise popular support around 'law and order' strategies (Hall *et al.*, 1978). Rather than continuing with the decarceration agenda, the penal net widened as the welfare net loosened (Hudson 1993; see also Cohen, 1985; Wacquant, 2000, 2001). This strategy was confirmed in 1982 with the undertaking of the biggest prison building programme in the twentieth century, in which 25 new prisons were constructed at an estimated cost of £1.3 billion (Cavadino and Dignan, 1992). The late 1970s and early 1980s can therefore be categorised as an 'era of reactive innovation' (Hudson, 1993: 30), with penal policy responding to the demands of public panics for the first time. The government had switched allegiance, and no longer listened to the platonic guardians, instead; 'the people it wanted to listen to were different... the kind of open discussion which had been a feature of previous times... those sorts of networks were disappearing' (retired Home Office civil servant, quoted in Loader, 2006: 576).

### *Tough on Crime*

Over the following years New Labour, keen to make ground on the increasingly electorally significant subject of law and order, began to distance itself from established links with trade unions and libertarian pressure groups. It did not need to wait long to demonstrate this

tougher stance. The high-profile murder of James Bulger in 1993 only added to a more punitive drive by both political parties, just nine days after Bulger's death Prime Minister John Major stated that it was time to 'condemn a little more and understand a little less'<sup>3</sup>. Major used Bulger's death and the horror it aroused to launch a new 'crusade against crime' (Ferguson, 1994). This 'crusade' continued through 1993 and reached its climax at the Conservative party conference when the newly appointed Home Secretary, Michael Howard, announced twenty seven measures aimed at tackling crime. Most striking about Howard's speech was his insistence that 'prison works', in direct contrast to the views not only of his seven predecessors as Home Secretary, but also of Thatcher, who only a few years earlier had endorsed a White Paper which stated that prisons were simply 'an expensive way of making bad people worse' (Home Office, 1990). What consequently unfolded has been described by Loader as a 'political arms race in the field of crime and punishment'<sup>4</sup>. As the government continued to ratchet up the rhetoric, the Shadow Home Secretary Tony Blair persisted to match it. When elected as Prime Minister in 1997, Blair stood by his commitment to introduce more punitive measures in the criminal justice system. His famous Rudi Giuliani-inspired 'tough on crime, tough on the causes of crime' speech undoubtedly gave birth to what Loader has classed as a more 'disputatious, and emotionally charged, penal politics' (2006: 572).

In Labour's first year of government the House of Commons Home Affairs Select Committee undertook an inquiry into alternatives to prison sentences. It reached the view that, 'the rapidly escalating prison population makes it of paramount importance to investigate credible alternatives to custody and to use them wherever appropriate' (1998: para 17). But the new government did not take heed. Like the previous Conservative government, party aficionados believed that the penal system was 'infected' by a dangerous liberal elite that favoured the rights of the offender above the victim and public (Faulkner and Burnett, 2012: 55). Newly appointed Home Secretary Jack Straw went public to state that the government would no longer simply listen to interest groups, but would in future take the views of ordinary people into account<sup>5</sup> (Johnstone, 2000:162). Increasingly slave to tabloid headlines, New Labour gave way to what has been described as 'hyperactive legislative behaviour', and its early

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<sup>3</sup> 'Major on crime: 'Condemn more, understand less' *The Independent* 21 February 1993

<sup>4</sup> Evidence to the House of Commons Justice Select Committee inquiry '*Cutting Crime: The Case for Justice Reinvestment*' First Report of Session 2009-10 (p92: para 194)

<sup>5</sup> 'Crime and Old Labour's punishment. Jack Straw says he listens to the people, not pressure groups' *The Times* 8 April 1998

terms oversaw an unprecedented number of criminal justice Bills finding their way onto the statute book. Successive governments' policies, combined with the courts' greater sensitivity to criticism in the media meant that the prison population in England and Wales doubled between 1992 and 2010, reaching 85,000 by May of that year (Faulkner and Burnett, 2012: 62).

Following the election of 2010, forward-thinking Conservative strategists were keen to mark a distinct breach with the 'prison works' philosophy that had so long dominated the party's policy. The first indications of the Coalition government's intentions for criminal justice came in speeches by the first Justice Secretary, Rt Hon. Kenneth Clarke MP, who promised a 'rehabilitation revolution' alongside a serious attempt to limit the unnecessary use of imprisonment (Faulkner and Burnett, 2012: 5). Announcing that those with mental health or addiction problems would be diverted to treatment programmes, and that fewer young people would be sentenced to custody, Clarke stressed a focus on conciliation techniques such as restorative justice as well as tougher community penalties. His visions, echoing many of the concerns held by criminal justice professionals, were sadly not allowed the test of time. In a direct reaction to increasing frustrations among party members (from the grassroots to the front bench) Clarke and his Prisons Minister Crispin Blunt MP were shuffled from office in 2012 and Clarke was replaced by 'attack dog' Rt Hon. Chris Grayling MP. Grayling, unashamedly more punitive in his approach to criminal justice and crime control, was appointed to rescue a department that was seen as lacking traditional 'Conservative' conviction. Unlike Clarke, Grayling was more populist in his rhetoric, publicly campaigning to remove prisoners' rights to vote and 'luxuries' such as television and computer games. It is important to note that recent years have, however, signalled the return of 'rehabilitation'; demonstrated in the Coalition's *Transforming Rehabilitation* agenda<sup>6</sup> and the recently enshrined Offender Rehabilitation Act 2014.

### *The 'Culture of Impatience'*

It is clear that 'governments [now] consult ordinary people... before formulating and implementing policies to tackle crime' (Johnstone, 2000: 161). The development has been described as 'the emergence of an emotive, populist and avowedly anti-liberal political

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<sup>6</sup> *Transforming Rehabilitation* has, amongst other things, extended supervision to offenders released from short-term sentences and opened up probation services to new private providers.

discourse that deliberately sets the 'sturdy common sense and simple virtue' (Canovan, 1981: 233) of ordinary people against the 'remote' liberal sentiments of professional or special interest groups, most notably those of lawyers, (some) journalists, civil libertarians, penal reformers and criminologists (Loader, 2006: 579). To Loader, 'the cumulative effect... [is] ... the advent of what one might call a *culture of impatience* ... It is a political culture dominated by actors preoccupied with being seen to react immediately and resolutely to mass-mediated, emotionally charged and urgently pressed public concerns about crime and disorder' (Loader, 2006: 581, emphasis added).

To Ryan, the upgrading of the public 'voice' (and government reactions to it) can be seen partly as a consequence of the growth in media organisations from the late 1950s onwards, along with new media technologies (2003: 133). This 'upgrading' has been of serious concern for criminologists and campaigners concerned with reform of the justice system. Instead of being positioned to hear only the views and arguments of the elite (be it politicians, journalists, pressure group spokesmen), changes in the public sphere have enabled the opinions of ordinary people to be aired more often, and in a variety of ways. For Garland this marks 'what may be the beginning of an important reconfiguration of the 'criminal justice state' and its relation to the citizen' (1996: 454). While it is acknowledged that the public possess a far more complicated belief system than is evident from a superficial reading of opinion polls (Johnstone, 2000: 164), successive governments have been known to use selective evidence to support their pet claims. It is clear that establishment insiders now have to share their previously exclusive role with the public, and are sometimes sidelined or ignored altogether (Pratt, 2007: 3). Although definitions differ, Roberts *et al.* have argued that such changes constitute the phenomenon of penal populism: 'the pursuit of a set of penal policies to win votes rather than to reduce crime or promote justice' (2003: 5). Penal populism thrives on public misunderstandings about crime and justice (Indermaur and Hough, 2002), and is by nature a complex of inconsistent and sometimes uneducated layers. While it is beyond the scope of this study to discuss the definitions or causes of penal populism in greater detail, it is clear that such 'attitudes' (and how to effectively manage them) have become a serious concern for both policymakers and penal reformers alike.

### *Changes in the Public Sphere: What Consequences for Penal Reform?*

To Ryan, changes in both political culture and the public sphere have had serious consequences for penal reform campaigners, who have effectively been 're-positioned' as a result (2008: 26). The Habermasian concept of communicative rationality, although heavily criticised (see Flyvbjerg, 1998; Garnham, 1990; Calhoun, 1993; Fraser, 1990) and not discussed in detail here, is a useful concept to briefly highlight the changes in the public sphere. Habermas' utopia explained how 'participants [of the 18<sup>th</sup> and 19<sup>th</sup> century coffee houses] overcame their at first subjectively based views in favour of rationally motivated argument' (1987: 294, 315). Clearly once restricted to the bourgeois and predominantly male elite, it is *media* that have now become the major component of the modern-day public sphere (Thompson, 2000; see also Castells, 2008). Developments in media proliferation led Norwegian penal abolitionist Thomas Mathiesen to argue that:

'Communicative rationality [now] lives life in the secluded corners of the professional journals and meetings, while the public debate, flooded as it is by dire warnings by the police and sensational crime stories, and significantly, by opportunistic political initiatives in the context of burlesque television shows called 'debates' is predominantly characterised by the 'rationality' of the market place' (1995: 8).

Consistent with the philosophy of the Post-War 'platonic guardians' (Loader, 2006), Mathiesen called for the 'creation of an alternative public space in penal policy, where argumentation and principled thinking represent the dominant values' (2004: 106). Such a 'space' contains three elements: first, 'liberation from the absorbent power of the mass media'; second, the restoration of grass roots movements; and third a restoration of the feeling of responsibility on the part of intellectuals (Mathiesen, 2004: 106). Mathiesen argued that such a responsibility should be partly directed towards a refusal to participate in the 'mass media show business' (2004: 106). Such an arena has been attempted in the formation of the Norwegian Association for Penal Reform, KROM. Speaking at a conference in 2003, Mathiesen praised KROM for attempting to create a 'network of opinion and information... a public space which in the end may compete with the superficial public space of the mass media'. In arguing that 'such a public space was there in the 1970s...It could be there again' (2000: 194), Mathiesen issued a direct recall for members of the liberal elite. In their deliberations of 'public criminology', Loader and

Sparks have similarly debated the utility of ‘cooling devices’ to counter public opinion. One such strategy of ‘re-insulation’ from the media could entail ‘seeking to create institutional spaces that insulate criminal justice from the naked flames of political rhetoric’ (2011: 82). Other commentators have understandably warned about the intensification of ‘stealth’ strategies in the contemporary criminal justice domain. Green, for example, has questioned ‘the folly of doing good by stealth’; and that in attempts to ‘insulate’ penal policy from the public glare, there is little allowance for prevailing attitudes to be challenged, and hopefully improved (2009: 529). Loader, in his assessment of attempts to foster ‘penal moderation’ has also questioned the use of ‘reform by stealth’. While such work aims to create ‘space and cover for the administrative delivery of more moderate policy and workable outcomes’ (2010: 361), Loader has conceded it is a risky enterprise riddled with ‘bear traps’ and the constant fear of scandalous exposure (2010: 361).

Arguing that campaigners should ‘concentrate less on cultivating [their] increasingly less productive contacts in Whitehall’ (2008: 26), Ryan has called for those engaged in penal reform to work ‘outwards to counter atavistic populist demands and re-shape public perceptions about penal practice’ (2008: 26). Garland has similarly argued that penal reformers must ‘address themselves directly to popular feelings if they intend to produce real change’ (1990: 62). Matthews has taken the opposite view, arguing that some because penal reform campaigners have *embraced* the notion of penal populism it has given them an opportunity or a role to present themselves as legitimate ‘educators’ to the misinformed general public (2005: 196)<sup>7</sup>. Yet providing information on crime and justice is clearly a more complex process than simply setting out ‘the facts’ and letting them speak for themselves (Indermaur and Hough, 2002: 7). Indermaur and Hough have argued that reform must now depend on persuasive argument that is effectively conveyed in public debates (2002: 4), either through strategic issue framing or the provision of a ‘replacement discourse’, for example (2002: 7). As highlighted throughout this chapter, penal reformers may work hard to produce such rhetoric, yet they have little control over the main conduit of information, the news media, which in its various forms has the ability to spread populist and emotive messages. Since the ‘platonic guardians’ operated in the corridors of power over half a century ago the public sphere has experienced

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<sup>7</sup> Faulkner and Burnett (2012: 3) believe that this responsibility falls squarely at the door of governments who must work harder to develop policies and practices that acknowledge both sides of the penal argument.

a paradigm shift. It is clear that in our 21<sup>st</sup> century 24/7 'mass mediated reality' (Nimmo and Combs, 1983) total secrecy is no longer achievable or desirable. Labelled by Thompson as 'the new visibility', media coverage is more intensive, more extensive and less controllable than ever (2000: 48-49). Those subscribing to the viewpoint that all arguments concerning policy change must now take place via the news media would argue that, for better or worse, success for penal reformers depends on their ability to access the 'marketplace' of ideas.

## vi. Conclusion

This chapter has highlighted the challenges faced by penal reformers attempting to influence the messy and unpredictable nature of contemporary penal policymaking. It is clear that understanding the evolution of public policy requires researchers to pay special attention to the actors involved in that process (Ismaili, 2006: 260). This study seeks to explore how the diverse political actors that constitute the penal reform network in England and Wales pursue their political and communicative strategies for women. Undertaking an interdisciplinary analysis of this kind is, however, challenging, not least because of the diverging models and theoretical interpretations of the matters discussed above.

Although not subject to empirical testing, Best's (2013) adapted model of the social problems process, neatly depicting the *claimsmaking*, *newsmaking* and *policymaking* stages, provides the theoretical building blocks for this study. Adopting the broad areas of investigation as distinct areas of empirical focus, this research is able to synthesise the disparate research traditions under the social constructionist paradigm. In investigating the process of penal reform *claimsmaking*, this research will draw on framing literature from the political sciences and criminology. Snow *et al.*'s (1986) interpretation of the strategic frame alignment process will be considered alongside Rutherford's (1993) typology of penal ideologies and Mills and Roberts' (2011, 2012) analysis of penal reform discourse. Considering a variety of concepts in relation to mediatisation (in particular Chibnall's (1977) news values, Kitzinger's (2000) media templates and McCombs' (2014) model of media agenda-setting) framing theory will also be utilised to assess the factors associated with *newsmaking* in the process of penal policy reform. Finally, this study will investigate the impact of competing ideas



on the *policymaking* process in relation to Kingdon's (1984) model of policy streams and Rhodes' (2007) concept of governance.

In considering such theories in unison, this study is the only research of its kind and will, for the first time, synthesise the above literatures in its evaluation of the claimsmaking strategies employed by the women's penal reform network in England and Wales. In exploring the complex web of linkages and relations between penal reformers and journalists, and between penal reformers and policymakers, this research will investigate whether, given the contemporary nature of penal policymaking, the news media constitute a distinct pathway to policy reform or if there are times when it is bypassed. Contributing a policy-focused dimension to discussions in feminist criminology, it will critically consider:

- How penal reform campaigners have used strategies of information management when dealing with journalists.
- How penal reform campaigners have used the media in attempts to 'manage' the public agenda.
- Whether traditional gender stereotypes of female offenders and high profile cases have inhibited such change.
- The relative 'value' of the media to campaigners operating in this area, and whether strategists seek to bring about change in private.

Building on the overarching structure described above, and outlining the policy problem in more detail, the following chapter will focus specifically on women's offending and imprisonment. In examining the various attempts of penal reformers to influence the policy agenda, it will also consider the impact that news media portrayals of women offenders have had on reform strategies.

### 3. The Politicisation of Women's Penal Policy

#### i. Introduction

In line with the interdisciplinary nature of the study, this chapter will consider societal, media and political responses to the policy problem of women offending. Initially discussing women's offending as a *social* phenomenon, part two will explore issues surrounding women, independence and deviancy, highlighting how the changing social status of women (through emancipation and entry into the workplace) led to concerns about increasing levels of female crime (see Austin, 1981). Considering women's offending as a *media* phenomenon, part three will critically assess news media portrayals of women offenders and the extent to which they may have impacted on progressive policy reform. Part four will analyse women's offending as a *political* phenomenon, documenting the development of the women's penal reform network and outlining Post-War developments in women's penal policy. Widely recognised as an overlooked area of public policy, it will highlight the political and communicative efforts of the array of campaigners working to improve criminal justice solutions for women.

#### ii. Women's Offending as a Social Phenomenon

'So far as crime is determined by external circumstances, every step made by woman towards her independence is a step towards that precipice at the bottom of which lies a prison' (Pike, 1876: 527).

Writing in the nineteenth century, Pike's views on female independence were the accepted discourse. The gendered ideology of the family, demonstrated no better than during the Victorian era, underlined the woman's role in the home. Women were symbolically identified with 'home and hearth' and motherhood (Seal, 2011: 495), indeed women's identity was constructed through the very process of having children (Seal, 2009). Women were traditionally (and still are) defined in terms of their sexual behaviour, and for those whose domestic lives proved less respectable (often due to social disadvantage), this readily

translated into a gender transgression from which they must be 'reformed' (D'Cruze and Jackson, 2009: 142). As women were deemed to be untrustworthy outside of the patriarchal male gaze (Faith, 2011: 45), those in trouble with the law were sent to penal institutions to repent their sins and be restored back to an acceptable feminine 'norm'. To Hahn Rafter, the criminal justice system served 'special female-specific functions with regard to social class and social control' (2004: 158) and therefore became a mechanism for punishing women who did not conform to ideal notions of femininity. Houses of Correction functioned in the eighteenth century as places of confinement for petty offenders awaiting trial, the homeless, unmarried women and prostitutes (Sharpe, 1984: 117 in Faith, 2011). These institutions were soon joined by a growing number of semi-penal establishments such as asylums, psychiatric hospitals, rescue homes and inebriates' reformatories all attempting to reform the 'deviant' woman (D'Cruze and Jackson, 2009: 1; see also Zedner, 1991). Mounting fears about increasing female independence manifested themselves into opposition to the extension of the franchise, the growth of female wage labour and the mixing of the sexes at the workplace (Emsley, 2010; see also Austin, 1981). Despite such developments, women's behaviours continued to be closely monitored and regulated from the private world of the household to the public place of work. To Dobash *et al.* (1986: 61), 'the surveillance and regulation [of women] was always closer and more omnipresent than usually directed at men'. Such formal and informal modes of regulation were highlighted by Foucault (1975), in his examination of 'the birth of the prison', not simply as an institution but also as a metaphor for other forms of power and social regulation (D'Cruze and Jackson, 2009: 2). While Foucault wrote little specifically about gender, his work was consistent with feminist awareness that sexuality was not merely a biological given; but that feminine norms and expectations had been constructed culturally over time within a dense network of power regulations (D'Cruze and Jackson, 2009: 8). It is of course true that girls are traditionally socialised to be more submissive and conformist than boys, and throughout their lives may find themselves subject to greater informal social controls (Cavadino, Dignan and Mair, 2013: 296).

In terms of criminal justice, such unwritten rules help distinguish between different modes of law-abiding or deviant behaviour. While male crime is almost treated as normal (after all, boys will be boys), female crime has been treated as an expression of masculinisation and a reaction to male authority (Faith, 2011: 43). Female deviancy is therefore used to refer to the process through which women's behaviours have been viewed as outside accepted social

parameters (D’Cruze and Jackson, 2009: 2). Of particular interest to feminists is that deviant men and women are represented in markedly different ways. Female crime has traditionally evoked especially punitive responses, and to Heidensohn, social reaction to male and female deviant behaviour differs as the ‘respectable fears’ attached to each gender are distinctive (1996: 99). To Faith, the deviant woman is therefore nothing but a product of the politics of patriarchal relations (2011:1), and when apprehended for crossing the boundaries of legality, deviant women are punished as much for their betrayal of ‘Womanhood’ as for their failure to submit to ‘The Law’ (2011:1; see also Carlen’s (2002) concept of ‘double deviancy’). Deviant acts formerly dealt with in the private sphere have now become public (Berrington and Honkatukia, 2002: 53), and media proliferation has had major consequences for the coverage of unusual and rare crimes such as those committed by women. Such crimes are seen to be against the passive and conformist female nature, attracting particular attention from the media because they are deemed ‘unfeminine’ (Lawson and Heaton, 2010: 255). It is important to remember that while the vast majority of women in contact with the law are property offenders (mainly guilty of theft and handling stolen goods), it is the very few women who commit violent crimes that retain the greatest cultural visibility (D’Cruze and Jackson, 2009).

The above viewpoints are brought into sharp focus when considering women’s treatment in the courts. While some commentators argue that women offenders are more likely to be ‘let off’ by the courts on account of their sex (see Gregory, 1986), others believe that female offending evokes an especially punitive response from sentencers (see for example Worrall, 1981; Carlen, 1983; Heidensohn, 1985). Another body of research questioned this assumption and demonstrated that the issue of women’s treatment in court was complex (Gelsthorpe and Morris, 1988: 98; Hedderman and Gelsthorpe, 1997). Early research by Eaton (1986), for example, noted that men and women conforming to conventional roles were better treated than those such as homosexuals or single mothers. Carlen (1983) similarly found that Scottish sheriffs (magistrates) distinguished between ‘good’ and ‘bad’ mothers and sentenced them accordingly (in Heidensohn and Gelsthorpe, 2007: 399). Evidence would therefore suggest that certain women (those who are mothers and married) are more likely to be treated with chivalry and may receive a lighter sentence than a man (Cavadino, Dignan and Mair, 2013: 299). Research by Grabe *et al.* tested the so-called ‘chivalry hypothesis’, that women offenders receive more lenient treatment in the criminal justice system and in news coverage than their male counterparts (2006: 137). Consistent with earlier findings, Grabe *et al.* concluded that a

more nuanced form of 'patriarchal chivalry' was the most appropriate term, as 'chivalry' was highly dependent on the crime committed.

Somewhat perversely, chivalrous viewpoints are also cited as a driver to the female prison population. In believing that some women would benefit from a custodial sentence (for help with drug or alcohol addictions or for their own safety) such actions result in 'up-tariffing' with more women being sent to prison (often) unnecessarily. While it is clear that women's treatment by sentencers is complex, it is possible to infer that there exists sexist bias in sentencing operating in *both* directions (Cavadino, Dignan and Mair, 2013: 299).

### iii. Women's Offending as a Media Phenomenon

It is widely acknowledged that the most unusual crimes continue to carry powerful associations. Their legacies can become templates, serving 'as rhetorical shorthand, helping journalists and audiences to make sense of fresh news stories' (Kitzinger, 2000: 61). Media templates are a crucial site of media power, acting to provide context for new events and helping to shape the ways in which people make sense of the world (Kitzinger, 2000: 81). Like the most persuasive forms of political campaigning, templates are 'instrumental in shaping narratives around particular social problems' (Kitzinger, 2000: 81). The dominant template for representing the female offender draws on the narrative of the 'monster' (Smart, 1976; Birch, 1993); the archetypal manifestation remaining Myra Hindley even after her death. Hindley's famous 'mugshot', for example, gained policy significance through the impact of its now-indelible image, and, as highlighted in this section, subsequent cases in the media have drawn on this template<sup>8</sup>.

It is easy to see why women who commit serious offences have immediate news value by virtue of their rarity (Jewkes, 2004). Feminist critics in particular believe that the media tap into and magnify deep-seated public fears about deviant and unruly women, while paying less attention to their male counterparts (Jewkes, 2004: 109). To Tuchman (1978), media discourses of women are guilty of 'symbolic annihilation', in that media outlets tend to ignore,

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<sup>8</sup> See for example: "Monster' mother jailed for at least 18 years for murdering her two-year-old son by battering him to death' *Daily Mail*, 25 June 2013; 'Baby P monster Tracey Connelly: I want another child' *Daily Mirror*, 13 October 2013

trivialise or condemn women, with obvious implications for the way news is reported (Marsh and Melville, 2009: 76). While women typically appear in the news as victims, female criminality clearly challenges this patriarchal ideology (Faith, 1993). A number of studies over the years have investigated the depiction of women offenders in the media, so often labelled either 'mad' or 'bad' (Ballinger, 1996; Grabe *et al.*, 2006; Wilczynski, 1997), 'virgin' or 'vamp' (Benedict, 1992). In investigating this phenomenon, Marsh and Melville (2009: 76) found disproportionate coverage of violent women in the media, that one third of violent crime stories are about female offenders despite the fact that they make up just four per cent of the prison population in England and Wales. It is in this way that media representations are able to create an impression of events rather than an objective, factual record of what took place (Berrington and Honkatukia, 2002: 50). Because so few women engage in extremely violent crimes, those who do offer a particular fascination (Berrington and Honkatukia, 2002: 59). Women's violence in this sense has a 'double fascination', simultaneously titillating and horrifying, providing 'not only human drama and emotion, but *sexualised* drama and emotion' (Naylor, 1995: 80). That is because, 'when a woman commits an act of criminal violence her sex is the lens through which all her actions are seen and understood; her sex is the primary 'explanation' or mitigating factor offered up in any attempt to understand her crime' (Wight and Myers, 1996: xi-xii). One thing is for certain, whether women offenders are portrayed as bad, mad, wicked, or weak, they are cast outside the realm of normalcy (Grabe *et al.*, 2006: 140). Naylor contends that journalists or news producers treat the incidence of violent female criminality as the most deviant, anxiety producing, and transgressive of all crime scenarios (2001, in Grabe *et al.*, 2006: 140).

The amount of news coverage dedicated to high profile women offenders is not a new phenomenon, and it is possible to trace mediated distortions from the Post-War period onwards. In the mid-1950s crime was a constituent part of the editorial mix (Bingham, 2009), and Ruth Ellis' ghost-written life story appeared in four parts in the *Women's Sunday Mirror* (Tweg, 2000). In 1966 Myra Hindley was convicted for her part in the infamous Moors murders. Eleven years after the execution of Ruth Ellis, she was characterised as 'the most evil woman in Britain', *the Sun* famously saying 'Let Her Hang'. To Birch, the now infamous police 'mugshot' of Hindley has continued to hold a 'bizarre grip' over public imagination (1993: 33), and has become a 'symbolic representation' of the 'horror of femininity perverted from its 'natural' course' (Birch, 1993: 34-5). Two years after Hindley's conviction, ten year old Mary Bell was

convicted of the manslaughter of two young boys. Bell was the focus of a great deal of media attention and became the subject of two books, one of which Prime Minister Tony Blair attempted to ban from publication. In 1993 nurse Beverley Allitt was characterised in the media as the 'Angel of Death', and her case dramatised by the BBC. One of the most high profile cases of the 20<sup>th</sup> century, that of Rose West, who along with her husband Fred was convicted of ten murders in 1995 (including one of her daughters), gained sustained media coverage. While clearly guilty of horrendous crimes, Berrington and Honkatukia have argued that the media reporting of Rose West's trial in 1995 provided examples of deeply disturbing sensationalised, sexualised and misogynist material (2002: 60). West was depicted as a bisexual prostitute with an apparently insatiable appetite for 'kinky sex' (Berrington and Honkatukia, 2002: 61.). She was told to 'Burn in Hell' by *the Sun*<sup>9</sup> and parallels between her and Hindley became commonplace (newspaper reports even depicted them as 'friends' and 'lesbian lovers'). Partly through the legal process but primarily as a result of the tone, style, and content of media representation, West became another icon of 'evil womanhood', not just in the UK but to a wider audience (Berrington and Honkatukia, 2002: 70). Maxine Carr, found guilty not of a violent offence, but for perverting the course of justice when she provided a false alibi for her boyfriend, the child murderer Ian Huntley, was subjected to such vitriolic coverage in some sections of the media and in public discourse that she was provided with a new identity (see Jones and Wardle, 2010). Karen Matthews, another non-violent offender, was convicted of child neglect and perverting the course of justice for her involvement in the 'kidnapping' of her own child for financial gain. Media coverage during the search for her daughter Shannon focused on Matthews' sexual promiscuity (seven children by five different fathers) and her 'complex family tree'<sup>10</sup>. And Amanda Knox, framed as 'Foxy Knoxy' was subjected to 'trial by media' (see Greer and McLaughlin, 2012) in many sections of the British press; her attractiveness and sexual promiscuity as interesting as the murder of British student Meredith Kercher for which she stood accused. The varying levels of guilt in such cases seemed of less importance to journalists than their newsworthy currency. Such portrayals have led Jewkes to summarise that 'it is unlikely that there will ever be a climate of opinion which views female crime as mundane – even in these crime-saturated times' (2004: 136).

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<sup>9</sup> 23 November 1995

<sup>10</sup> 'Shannon's Complex Family Tree' BBC News 18 March 2008

Although partly a consequence of news media pressures, the continued use of stereotypical representations can provide an obstacle to reform and is evidence of the news media not always acting as a 'compliant partner' (Hilton *et al.*, 2013: 161) to progressive policy actors in the penal sphere. Those concerned with achieving policy change for women routinely attempt to frame their messages in accordance with their own ideological strategy (often pursuing humanitarian or reformatory rhetoric), but this can be at odds with the entrenched templates routinely utilised by some sections of the right-leaning, agenda-setting media (often relying on punitive rhetoric). It has been argued that both the news media and popular culture produce a dichotomous understanding of female criminality: women are either framed as 'an evil monster or a poor thing' (Berrington and Honkatukia: 2002), and penal reformers have traditionally relied on this latter depiction to receive public support for their policies. It is clear, however, that in the face of penal punitivism and the political nature of law and order, this poses a significant challenge.

#### iv. Women's Offending as a Political Phenomenon

In setting the policy scene for the remainder of the study, the substantive part of this chapter will document the emergence of the women's penal reform movement, before assessing the number of framing strategies employed by reformers over the decades. Examining key political developments, it will highlight the emergence of a 'policy window' (Kingdon, 1984) that led to government policy progress in the late 2000's, concluding with an evaluation of the current status of women's penal policy on the political agenda.

##### *The Emergence of Women's Penal Reform*

Women prisoners held in Newgate during the Victorian era were described by one commentator as 'a den of wild beasts': shrieking curses, brawling, spitting and tearing each other's hair' (Rose, 1980: 79). Elizabeth Fry, the first female penal reformer, dedicated much of her life to improving conditions in the London prison. Struck by the lack of provisions for women, Fry's pioneering strategies for reform focused on education, religious instruction and skills training, and the *Association for the Improvement of the Female Prisoners in Newgate* was duly formed. Fry's model of instruction proved extremely successful and in 1821, in what could



be deemed the first organised attempt at penal reform for women, she formed the *British Ladies' Society for Promoting the Reformation of Female Prisoners*, expanding her web of influence to women's prisons across the country. Fry's work was recognised in Parliament, and during a House of Commons debate in 1824, Member of Parliament John Smith declared that 'before Mrs Fry commenced her exertions, women [in prison] resembled so many tigers confined in a cage. She, however, by kindness, by admonition, by persuasion, had soon effected a reform'<sup>11</sup>. Home Secretary Robert Peel's Prison Act of the previous year seemed to draw on Fry's direct experience and her 'Newgate rules', which stated that women were in future to be confined to separate parts of the prison under the supervision of female officers (Rose, 1980: 121). Despite this small-scale progress, the subject of women in prison received almost no political attention at all, and while sporadic issues focused on conditions such as use of 'hobbles' (iron ankle straps) and the straight jacket, very little concern for anyone in prison was expressed. Fry expressed frustration in 1827 that 'the work of reformation is a slow one' (quoted in Halliday, 2009: 242), yet she could hardly have imagined the reality.

The topic of women's incarceration was brought to widespread public attention at the turn of the century during the fight for universal suffrage. In 1907 the *Penal Reform League* was established as a direct result of an account given by the suffragette Mrs Cobden Sanderson of her prison experiences (Logan, 2008: 13). It was to later merge in the 1920s with the older *Howard Association* to form *The Howard League for Penal Reform*, and its early years were steered by prominent female reformist Margery Fry. Notorious campaigner Emmeline Pankhurst famously spent time in Holloway prison for attempting to break into Parliament in 1908. In a later speech, she recalled that while incarcerated she had heard a woman giving birth in a nearby bed. 'If we get the vote', she said, 'we will find more humane ways of dealing with women than that' (Marcus, 1987 in Stern, 2009: 451). And while women would soon get the vote, arguments about prison conditions persisted. Many of the close networks formed during the fight for universal suffrage did not dissipate, but instead provided the perfect foundation for those wanting to bring about more focused reform.

Writing extensively in this area, Logan (2008) has identified the first 'feminist-criminal-justice-reform-network', established during the 1920s to oppose the specific disadvantages that applied to women in prison. Active campaigners alongside the early women magistrates

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<sup>11</sup> House of Commons Debate, 5 March 1824, Vol 10: c774

formed a dedicated women's movement that aimed to exert influence on the criminal justice system (Logan, 2008). Logan's research has uncovered that even before women won the vote, and entered the magistracy and the legal profession, their various organisations had shown a profound interest in the criminal justice system and how it affected women (Logan, 2008: 15). The first and second women MPs to take their seats, Lady Astor and Mrs Wintringham, also played an important part in advancing the political agenda of women's and penal reform groups in the House of Commons (Logan, 2008: 41). It could therefore be argued that the early source of knowledge about female crime was not to be found among the 'platonic guardians' (Loader, 2006) in male-dominated academia, but among the female campaigners, politicians and magistrates who dedicated themselves to helping women in prison. These early penal reformers did not disappear during the inter-war years, but continued to push for progress with more low-key insider-style parliamentary lobbying (Logan, 2008: 41), and while continuing to query specific prison conditions, began to question the *broader* concept of imprisonment for women (Logan, 2008: 41).

Like that of the male 'platonic guardians' (Loader, 2006), reform of the penal system, including the abolition of the death penalty, was a key early objective of the women's penal reform network. Following its re-categorisation to female-only in 1903, five women were hanged in the grounds of Holloway prison before the death penalty for murder was finally abolished in 1965. Yet it was the case of Ruth Ellis, the final woman to be hanged at the prison in 1955 that brought the issue to widespread public attention. Public attitudes towards capital punishment were changing, and Ellis's case, involving domestic violence, received unprecedented media attention. A petition to the Home Office asking for her clemency was signed by 50,000 people, but it was rejected. Many argued that it was because Ellis was an attractive woman that she aroused such levels of interest (Rose, 1988: 5); to Rose, she 'seemed to be demonstrating the power of spectacle, femininity, and violence, and their mutual association, in public fantasy life' (Rose, 1988: 5). Hugh Klare, Secretary of *The Howard League for Penal Reform*, was cynical of the public response, and stated in a letter to the *Observer* that 'today there is an emotional outcry, triggered off by the hanging of a young and pretty woman. Tomorrow, some less glamorous murderer will hit the front pages and public feeling will be reversed' (Klare, 1955 in Seal, 2011: 500). That is because unlike Ellis, the vast majority of female prisoners remained invisible to the government, the prison authorities and the public alike.

### *Campaigners Pushing Policy*

Political concern for women in prison gained slightly more momentum from the 1960s onwards, due no doubt to the increasing, but still wholly insufficient, number of female MPs. Although far from the top of the political agenda, the legacy of Ruth Ellis's death still struck a chord with those Parliamentarians with reformist sympathies. Labour MP Renee Short, a key campaigner for reform, referred in the House to the 'judicial murder' of Ellis as *the* event which had brought the enormity of capital punishment home to the country as a whole (Rose, 1988: 5). In answering one of the many Parliamentary Questions tabled by Short, government Minister Shirley Williams MP confirmed that female campaigners working in this area had little or no impact on the policy process, and were certainly not considered part of the established network of advisors. Short concluded that while 'the Advisory Council on the Penal System is exploring alternatives to imprisonment for both men and women offenders... [it] has not had discussions with women's organisations'<sup>12</sup>. Penal policy for women did however seem optimistic, with a 1970 Home Office publication stating that 'as the end of the century draws nearer, penological progress will result in ever fewer or no women at all going to prison' (quoted in Carlen, 1983: 23). This statement would come to haunt the establishment, with the female prison population set to quadruple over the following fifty years.

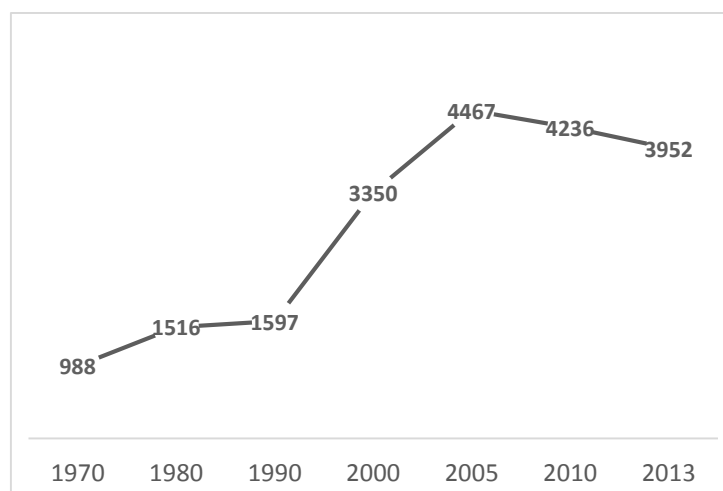


Figure 7. Female Prison Population 1970-2013<sup>13</sup>

<sup>12</sup> House of Commons Debate, 20 November 1969, vol 791: c333W

<sup>13</sup> House of Commons Library Prison Population Statistics, 2013

Highlighted by Seal and Phoenix, it is widely recognised that women offenders have traditionally been perceived as particularly suited for welfarist responses rather than solely punitive sanctions (2013: 169). With 'treatment' remaining the model of accepted punishment, Holloway prison was re-categorised as a hospital during the 1970s. Many campaigners protested forcefully against this development, with *Radical Alternatives to Prison* (RAP) in particular arguing that the petty persistent offenders constituting the bulk of the female prison population did not need to be contained in a secure hospital (Carlen, 1998: 17). Submitting evidence to the House of Commons Expenditure Committee inquiry on 'Women and the Penal System' in 1979, *The Howard League for Penal Reform* made a stand against what it labelled as 'the misuse of prison' as the female prison population crept up towards 1,500: 'this was a record, and one of which the country should not be proud' (1979: 1). Highlighting a Home Office statement that confirmed that the government recognised that 'most of the women in prison wish to conform with society but for various reasons are unable to do so', *The Howard League* framed its campaigning in accordance with humanitarian discourse and argued that 'prison [for women] should not be used, save in the most exceptional circumstances' (1979: 3), and that 'women's units should be small and... within reach of their homes' (1979: 15).

A number of criminal justice campaigning groups were formed in the early 1980s amidst developments in the public sphere and the changing (increasingly punitive) political climate. These included organisations such as the *Prison Reform Trust* and *Inquest*, which were both established in 1981. Although the *Griffins Society* had been established twenty years earlier to help certain women find accommodation on their release from prison, the first dedicated campaigning group *Women in Prison* was founded in 1983 by ex-prisoner Chris Tchaikovsky. Tchaikovsky had originally been asked to prepare a report on prisons for the Women's Committee of the Greater London Council (now Greater London Authority), and as a direct result of this work came the proposal for a support group for women prisoners (Ryan, 2003). *Women in Prison* initially pursued its claims via a number of strategies including direct action (such as demonstrating outside Holloway prison), and more traditional forms of political campaigning (briefing journalists and MPs and giving media interviews, for example). The majority of the group's members were ex-prisoners, who 'having been largely ignored by prison campaigners, prison visitors and by officials in the penal system' now had a critical, campaigning voice (Box-Grainger, 1983: 15). During the following decade the various campaigning organisations (also including *Nacro*, *The Howard League*, *The Women's National*

*Commission*, and *The Fawcett Society*) operated as a network, continuing to conduct inquiries and publish reports on issues surrounding women's imprisonment. In addition to such publications, a growing body of academic literature provided an in-depth commentary on the way that the criminal justice system had thus far failed to properly address the problem of women's offending and imprisonment.

### *Academic Attention*

The development of the feminist critique in criminology is well documented elsewhere (see for example Gelsthorpe, 1989, 2003, 2004; Gelsthorpe and Morris, 1988; Heidensohn, 1996; Heidensohn and Gelsthorpe, 2007) and will not be repeated in detail, suffice to say that early literature highlighted the 'amnesia' or neglect of women in the criminal justice system and the distortion of their criminal activities (Heidensohn and Gelsthorpe, 2007: 383). In one of the first key feminist texts, Carol Smart stressed that 'criminology and the sociology of deviance must become more than the study of men and crime if it is to play any significant part in the development of our understanding of crime, law and the criminal process and play any role in the transformation of existing social practices' (1976: 185). Her work was supplemented by research from other prominent academics such as Loraine Gelsthorpe, Pat Carlen (1983, 1990, 1998, 2002), Frances Heidensohn (1985, 2000), Carol Hedderman (2004, 2012) and Anne Worrall (1981, 1990). While it is argued that there exists no *single* feminist criminology, it is possible to identify a body of feminist perspectives within the discipline of criminology (see Gelsthorpe and Morris, 1988; Burgess-Proctor, 2006). And while research focus and favoured methods may differ, feminist perspectives do share a common goal, which is the clear need to make visible those invisible women in the criminal justice system.

Critical criminologist Pat Carlen provided the literature with an abolitionist vision for women's prisons, arguing that 'to reduce the number of prisons we must first abolish certain categories of imprisonment. Women's imprisonment is, for several reasons, a prime candidate for abolition' (1990: 121). Carlen's major argument focused on what she described as 'carceral clawback', that prison reformers, in hoping to create the optimum conditions for women in prison, simply re-legitimise prison as the 'normal' institution for punishment. Faith, in a similar tone, is also sceptical of the strategies of penal reformers, questioning the benefits of 'soothing pastel' painted walls (2011:134). It is in this way that some academics and campaigners have

clashed, with the former believing that the latter have allowed themselves to become incorporated into the penal establishment.

### *Gaining Momentum*

During the 1990s the female prison population was increasing much more rapidly than the numbers of male prisoners, and between 1993 and 2003 the female prison population trebled (Cavadino, Dignan and Mair, 2013: 304). While there are many different arguments as to why this occurred (see Gelsthorpe, Sharpe and Roberts, 2007), there is a general consensus that changes in legislation and the increase in sentence severity led to more petty offenders being incarcerated, and since most female crime is petty, this shift affected women disproportionately (Hedderman, 2004). Yet despite the increasingly outward punitive climate, the Home Office was already sponsoring research projects on the issue of women's imprisonment. Academics such as Carol Hedderman and Loraine Gelsthorpe authored several government research papers on women in the criminal justice system, such as the 1994 paper '*Does the Criminal Justice System Treat Men and Women Differently?*' (Hedderman and Hough) and the 1997 report '*Understanding the Sentencing of Women*' (Hedderman and Gelsthorpe). It wasn't, however, until the Prison Inspectorate's '*Thematic Review of Women's Imprisonment*' of 1997 that serious political attention was commanded. Published following an unannounced visit to Holloway in 1995, Chief Inspector (now Lord) David Ramsbotham was so disgusted by conditions that he famously walked out. Prison conditions for women had received increasing media attention in the preceding years<sup>14</sup>, and the continued use of restraints had also garnered media attention; in 1996 *Channel 4 News* secretly filmed a female prisoner giving birth in hospital while shackled, for example. Ramsbotham's key critique was that there existed no one individual to assume operational responsibility for women, and this led to a serious oversight of the needs of women prisoners. The female custodial estate was soon after brought under the operational control of an area manager with direct responsibility for women, and The Women's Estate Policy Unit was established within the Service in 1998. Giving evidence to a House of Commons Home Affairs Select Committee inquiry on *Alternatives to Prison Sentences* that year, Ramsbotham stated that 'only 30 per cent of the women... in

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<sup>14</sup> See for example: 'Crisis plan to put women in men's prisons' *Sunday Times* 28 August 1994; 'Self-mutilation epidemic in women's jails' *Independent* 7 March 1995; 'British mothers in shackles' *The Guardian* 17 November 1995

prison actually needed to be there' (1998: para. 220). Concluding that limited resources were to blame for the lack of appropriate non-custodial programmes for women, the Committee echoed the humanitarian and reformist calls from academics and campaigners alike for the development of a 'credible alternative' (1998: para. 248).

In 2000 the *Prison Reform Trust* published a report by its *Committee on the Imprisonment of Women* chaired by Professor Dorothy Wedderburn. Entitled '*Justice for Women: the Need for Reform*', the report was the first comprehensive document to argue for reform specifically for women, based on the shared experiences of many actors (policy professionals, practitioners, campaigners and academics) working in the area. Amalgamating the research of academics and the campaigning work of the women's penal reform network over the previous twenty years, the report highlighted how changes in political ideology (from reformist to punitive) had adversely influenced the female prison population. Highlighting that the female custodial estate held under 1,000 women during the 1960s, it stressed that as faith in rehabilitation and penal welfare was replaced with a commitment to punishment and retributive justice, female incarceration more than doubled in just five years. In calling for a responsible public debate on the issue, the report made several recommendations including: a separate National Women's Justice Board, the establishment of a network of Women's Supervision, Rehabilitation and Support Centres and a national system of geographically dispersed custodial units so that women were within a closer proximity to their families. Despite its welcome reception, and the fact that many of its conclusions had been discussed over the previous decades under a variety of different names and formats, the government did not act on the report's recommendations. There was, however, hope. In contrast with the strong punitive trend that had resulted in the rocketing of the female prison population, there was recognition in government that 'the pains of imprisonment' were experienced differently by women. The Home Office published its own document entitled '*The Government's Strategy for Women Offenders: Consultation Report*' (2000) the same year. For the very first time there was a public acknowledgment that the factors leading to women's offending had been overlooked, along with a commitment to change (Lowthian, 2002: 157). Yet while describing some new initiatives across government, the report did not outline a specific action plan. Despite the overwhelming body of academic evidence available, the insider status of many penal reform campaigners and the fact that several Home Office officials were former practitioners themselves, there existed no 'policy window' (Kingdon, 1984). While the

Holloway inspection report had generated a heightened level of media coverage on the experiences of imprisonment for women, this was not sufficient to warrant immediate action. Instead, the document stated the need for more research and announced a formal consultation process.

Echoing the humanitarian claims made by Wedderburn, a report by NACRO in 2001 entitled '*Women Beyond Bars: A Positive Agenda for Women Prisoners' Resettlement*' further highlighted the lack of coherence in women's penal policy. Although acknowledging the government's positive ambitions, the report commented on its lack of imagination and radicalism. In criticising the government's failure to respond to Wedderburn's proposals for a network of women's rehabilitation centres, NACRO echoed the call for the establishment of 'community houses' where women offenders could be held close to their homes to prepare them for release. It also called for the extension of family visits, more flexible release arrangements and a more joined-up approach to the problem of women's imprisonment. In addition to the concerns stressed by such reports, other arguments made by campaigners and academics became far more critical at the turn of the century (see Gelsthorpe, 2006). Consistent with Kingdon's (1984) model of 'policy streams', many believed that they had long provided the solutions to the problem of women's imprisonment:

'Very little has come from the long line of inquiries which, though they always imply that 'something will be done' about the state of women's prisons, perennially add 'but not yet'. Not until we have had 'more research' or 'a further inquiry''. (Carlen, 1998: ix)

'After so much effort and so many practical recommendations about what needs to be done, why are we publishing [another report] in 2001?' (NACRO, 2001: 3)

'Over and over again, relentlessly, the same analysis of issues leading to the same cries for reform have echoed through the decade'. (Lowthian, 2002: 158)

The Government's '*Strategy for Women Offenders*' was finally published in 2001. In its foreword Home Secretary David Blunkett MP promised 'a cross-government, comprehensive, targeted and measurable Women's Offending Reduction Programme' (2001: 1). The key findings of the consultation fed into the development of the first strategic government



programme specifically targeted at female offenders, the *Women's Offending Reduction Plan* (WORP), although this would not be implemented until 2004. Despite the overarching punitive climate, WORP had explicit humanitarian aims: to support projects aimed at diverting women from custody, aiding resettlement after release from prison and providing community-based non-custodial supervision (Corcoran, 2011).

Although by no means a new phenomenon given the prevalence of self-harm on the female estate, the period 2002-03 saw a series of suicides at HMP Styal, with six women taking their lives in little over a year. The suicides were to provide those advocating reform their big 'wave' in the form of a 'policy window'; fresh impetus for penal reform campaigners and action within the Home Office. In 2003 *The Fawcett Society* (with financial support and endorsement from the Home Office) established a *Commission on Women and the Criminal Justice System*, highlighting once again the status of women offenders as an over-looked group. Publishing several mid-term updates, the Commission repeatedly reiterated the need for gender to be integrated into policy and practice throughout the criminal justice system. In line with the humanitarian discourse adopted by the Wedderburn Report, the NACRO report and many other reports and articles by academics and campaigners, the Commission called for the establishment of local support and rehabilitation centres and an assessment of the viability of local custodial units.

The year 2004 saw a juxtaposition in women's penal policy. While the government gave a commitment in the Spending Review to pilot new initiatives addressed to meet the specific needs of female offenders, the women's estate continued to grow, with the introduction of the first privately run women's prison, HMP Bronzefield. And while the WORP prioritised areas for action, this remained in the face of a political momentum which talked increasingly tough on crime. As argued by Corcoran, the creation of the WORP was a milestone in mainstreaming gender in criminal justice policy within Whitehall (2011: 26), yet this had little discernible effect on conditions. The 2004 Prison Inspectorate report of Holloway echoed many of the issues from the 1997 review, highlighting the absence of procedures needed to care for vulnerable women, the on-going risk of suicide and prevalence of self-harm (2004). Despite the stated commitment to 'gender mainstreaming' in the criminal justice system, it was clear that many women in prison were still being failed. In 2006-2007, the government launched *Together Women*, a programme of holistic provision for women who had offended (or were at risk of offending) across five demonstrator sites in northern England (Seal and Phoenix, 2013: 170;

see Gelsthorpe, Sharpe and Roberts, 2007; Hedderman, Palmer and Hollin, 2008). *Together Women* had a rehabilitative and reformist theme and incorporated a variety of women's centres that provided 'one-stop-shop' services, designed to help prevent women from entering the criminal justice system or to help with their post-custodial resettlement (Seal and Phoenix, 2013: 170). The need for criminal justice policy to respond to gender differences and inequalities was finally enshrined in section 84 of the Equality Act, which in 2006 established a gender duty in equality legislation (Jones, 2011). In this legislation, the government had publicly acknowledged that the principle of equal treatment should not necessarily lead to identical treatment (Cavadino, Dignan and Mair, 2013: 302).

Most women serve very short sentences. In the year ending March 2014, 60 per cent of women entering prison under sentence were to serve six months or less (Ministry of Justice 2014a)

In the 12 months ending March 2013, 81 per cent of women entering prison under sentence had committed a non-violent offence, compared with 71 per cent of men (Ministry of Justice 2013a)

Women are *less* likely to receive a custodial sentence than men (14 per cent, compared with 26.5 per cent in 2009), however they are *more* likely to be imprisoned for their first offence (Cavadino, Dignan and Mair, 2012: 299)

The most common offence for imprisoning women is theft and handling (35%) (Ministry of Justice 2014b)

It is estimated that more than 17,000 children were separated from their mother by imprisonment in 2010 (Wilks-Wiffen, 2011)

There were 94 self-inflicted deaths of women prisoners between 1990 and 2012 (Ministry of Justice 2013b)

Over half the women in prison say they have suffered domestic violence and one in three has experienced sexual abuse (Social Exclusion Unit, 2002)

Women offenders have a broad range of needs including problems with education and employment, drug and alcohol addictions, together with financial and accommodation problems

Figure 8. Female Imprisonment Statistics

### *The Corston Agenda*

It wasn't until Baroness Jean Corston's government-commissioned 2007 *'Review of Women with Particular Vulnerabilities in the Criminal Justice System'* that the government publicly stated its commitment to reducing the female prison population and a substantive plan for action was provided. The result of action taken during the 'policy window' (Kingdon, 1984), the Corston Review echoed many of the recommendations of the *Prison Reform Trust's* Wedderburn Report (and indeed the plethora of other reports) published a full seven years earlier. Referencing the work of penal reform campaigners and academics alike, and providing the high point to the 'long' campaign, it acknowledged that the subject had been 'exhaustively researched' (Home Office, 2007:16). Corston called for a fundamental re-think about the way in which services for female offenders were provided and assessed. The long list of recommendations called on the government to announce within six months: a clear strategy to replace existing women's prisons with suitable, small, multi-functional custodial centres within 10 years; the immediate establishment of an Inter-Departmental Ministerial Group to drive forward the agenda; greater visible direction in respect of women in custody and a much higher profile; and that there should be strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public (2007: 5-16).

Although not a policy agenda pursued in *response* to public outcry, Corston admitted that its future success was in some part dependent on 'educating the public [and that this] must be an integral part of the strategy relating to women' (2007: 11). Calling on the government to assume this responsibility, Corston hoped that 'this may go some way to heighten the awareness of the general public and encourage a reasoned and enlightened debate' (2007: 11). Unsurprisingly, the Labour government reacted swiftly, and published its response to the Corston Report in 2008. In outlining the areas that it had already improved (such as publishing a National Service Framework for Women Offenders, implementing the Ministry of Justice Gender Equality Scheme, stopping routine strip-searching for women deemed not to be 'risky', and establishing a cross-departmental Criminal Justice Women's Unit), Justice Minister Maria Eagle MP stated 'this is just the start of a long-term and sustainable strategy to deliver a more sophisticated and better co-ordinated approach to address women's needs' (2008: 3). The *Women's Diversionary Fund* of £15 million, implemented in 2009, provided start-up costs for the network of women's centres outlined in

the Corston Report (as well as previous publications). Supplemented by a grant from the *Corston Independent Funders' Coalition*, a consortium of charities set up to 'sustain a shift from imprisonment to community sentencing for vulnerable women offenders' (in Corcoran, 2011: 27), the women's centres were established as 'one-stop-shops' where women at risk of offending could access a wide range of services. While the initial cash injection provided the much-needed resources to kick-start the Corston agenda, the *Women's Diversionary Fund* was time-specific and the future of the centres (some operated in partnership with the third sector and some now under the control of the private sector under the new *Transforming Rehabilitation* arrangements) remains of on-going concern.

Acceptance (in most part) of the Corston agenda alongside changes in legislation led Corcoran to conclude that 'in the closing months of its third term, the Labour party's penal record seemed to be advancing towards a feminist-inspired, penal reductionist agenda' (2010: 234). The reality, however, was that the female prison population did not substantially reduce as Corston advocated, and there have been a number of suicides or unclassified deaths on the female estate since 2007. While it is clear that progress under New Labour was not without critique, campaigners feared that following the election of the Conservative-led Coalition in 2010 any policy gains for women would be lost.

### *Coalition Policy*

In the Coalition's first foray into penal policymaking, the 2010 *'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders'* Green Paper, Justice Secretary Rt. Hon Ken Clarke MP promised a 'rehabilitation revolution', and highlighted the women's centres as areas of 'good practice'. Reformist Clarke, however, was not permitted to oversee his vision, and was soon replaced by the more right-leaning Chris Grayling MP at the first Cabinet reshuffle. In spite of its supposed commitment to the Corston agenda, official documentation relating specifically to women offenders was a long time coming. Although there was no dedicated Ministerial 'champion' for women offenders during the first half of the Coalition's term (2010-2012), Conservative MP Helen Grant was awarded the role in September 2012. Such a move did little to allay the concerns of the House of Commons Justice Select Committee which, recognising the growing anxiety among many in the sector, announced that autumn that it was to hold an inquiry into *Women Offenders*. The inquiry's overarching remit was to assess penal progress for women five years after the publication of the Corston Report and

explore the nature and effectiveness of government strategy. Despite over two years of reticence, the government was quick to publish its much-awaited '*Strategic Objectives for Female Offenders*' (resembling more of a six page 'holding' strategy), alongside the establishment of another independent *Female Offenders Advisory Board*. The government stated in the *Strategy* that it would take a 'whole system approach' in reducing women's offending and imprisonment, working with partners within and outside the criminal justice system (2013c: 5-6). Acknowledging the Ministerial silence on this matter, the document admitted that the government 'recognise[d] the importance of keeping people informed about what we are doing for female offenders' (2013c: 6). Yet this was too little, too late for the Select Committee, and it's Chairman Sir Alan Beith MP who was particularly scathing of Grant. The ensuing report did not hold back in its criticism of the government and outlined many areas of disappointment. In highlighting the 'regrettable...limited *external* input into the Government's development of its strategic priorities', the Committee concluded that this 'adds to the appearance that the priorities were produced in haste and with insufficient thought' (2013: 23, emphasis added). In one particularly striking paragraph, the Committee stated;

'It is clear that the matter of female offending too easily fails to get priority in the face of other competing issues. The lack of central drive has resulted in outsiders having difficulty determining Ministry of Justice policy and direction, and insiders detecting a dampening in mood and enthusiasm, leaving an impression that for this Government it was not a sufficiently high priority... Clear leadership and a high level of support from other Ministers will be essential in restoring lost momentum' (2013: 19).

Confirming that its work would, in part, be informed by the recommendations of the Committee, the government's response to '*Women Offenders*' re-stated its commitment to women and clarified several of the areas of the *Strategy*. Grant was, however, not given the luxury of time to implement this work. Following her shuffle from office, Lord Tom McNally assumed responsibility for women in autumn 2013. His move to the Youth Justice Board in January 2014 paved the way for fellow Liberal Democrat Simon Hughes MP to assume this responsibility. In March 2014 the Department published its '*Update on Delivery of the Government's Strategic Objectives for Female Offenders*'. Outlining key 'achievements' of the previous twelve months, including work to better tailor the women's custodial estate to

women's needs, and highlighting developments in cross-government collaboration, it reiterated the government's commitment to improving women's penal policy (2014c).

### *Post-Corston Campaigning*

Despite its fluctuating status on the policy agenda, it is possible to say that there exists a broad political commitment to reducing the number of women in prison. Yet one persistent issue, highlighted by Seal and Phoenix, is that the dominant punitive rhetoric works directly *against* the gender-responsive, humanitarian trend which acknowledges the particularly harmful effects of imprisonment for women (2013: 176). While penal reform campaigners are able to pursue a rhetoric of vulnerability in relation to women (one that is often unavailable for men), this remains in the face of a 'tough on crime' agenda.

Following the election of the Coalition government and the subsequent Ministerial silence, many campaigners publicly 'renewed' their commitment to reducing the number of women in custody. The *Prison Reform Trust* established the *Women's Justice Taskforce* to push forward an agenda that it believed was receiving little or no attention from government. The *Taskforce* included members from civil society, politics and the media, and building on this work, the *Prison Reform Trust* launched its '*Three Year Strategy to Reduce Women's Imprisonment*' (2012). Funded by the Pilgrim Trust, the *Strategy* adopts a humanitarian discourse and sets out clear steps to achieve a comprehensive reduction in the female prison population. Its latest report, '*Brighter Futures*' (2014), the *Prison Reform Trust* calls for the development of more coordinated services in the community to help women offenders (or those at risk of offending) to turn their lives around. As well as producing research publications, the *Prison Reform Trust* also coordinates a variety of other women-focused strategies, including the *Mail on Sunday's Financial Freedom* supplement and an awareness campaign for female foreign national prisoners. Its *SmartJustice* campaign has also been re-launched, seeking to re-publicise the opinion poll from 2007 that indicated public support for the increased use of alternatives to prison for certain female offenders.

The *Howard League* has also continued to coordinate regular meetings of the All-Party Parliamentary Group (APPG) for Women in the Penal System, formed in 2009 and chaired by Baroness Corston as an avenue for raising awareness among politicians. On the fifth anniversary of the Corston Report, *Women in Prison* published a 'traffic light' progress pamphlet, highlighting areas where the government had failed to implement its commitments

to women in the criminal justice system. Like other organisations (including *Women's Breakout*, *Hibiscus* and *NACRO*) it has continued to publish briefings and documents on government consultations, legislation and policy. While campaigners tentatively welcomed the Coalition government's *Transforming Rehabilitation* agenda and its promise that the newly-formed Community Rehabilitation Companies (CRCs) would be legally required to provide gender-specific provision for women offenders in the community, they like many others operating in this policy domain, are still waiting in anticipation to see how 'gender specific provision' delivered by profit-making companies will manifest itself in practice.

## v. Conclusion

This chapter has highlighted the array of social, media and political barriers to women's penal reform. In documenting historical attitudes towards female deviance and tracing the origins of women's penal reform campaigners (in academia, politics and practice), it has also chronicled contemporary developments in women's penal policy. While debate continues about the causes of current prison numbers, there is no doubt that women offenders have been caught up in the punitive trend. What has made campaigning efforts all the more frustrating is that the reasons behind female offending have remained more or less the same throughout history: women are predominantly petty, non-violent offenders and a large proportion could be diverted from custody if there were the political will to do so. Strategies for reform have not been helped, and are even inhibited, by sensational media accounts of women offenders and journalists' continued use of stereotypical templates (certainly in the case of the tabloid press). In highlighting the various efforts of campaigners to force the problem of women's imprisonment onto the political agenda, this chapter has reiterated that in continuing to rely, for the most part, on humanitarian or reformative rhetoric (see Rutherford (1993); Mills and Roberts (2011, 2012)), their efforts have, along with other policy problems, been affected by changing political ideologies. While there is now a recognition in government that women's offending is somewhat different from that committed by men, the dominant punitive trend shows no signs of abating. Penal reform campaigners, as a consequence, find themselves on the fringes of the policy agenda. In examining the complex interrelationship between campaigners, journalists and policymakers, the remainder of this study will seek to explain

exactly how they seek to influence penal policy for women in the face of penal punitivism, media proliferation and the politicisation of law and order.



## 4. Methodology

### i. Introduction

This chapter provides a methodological and reflexive account of the key processes and concerns involved in the study. The fieldwork process combined both elite and gender studies in an attempt to explore policy development through the 'prism of the policy network' (Duke, 2002: 41). The paucity of literature designed to help those researching 'up' in the criminal justice arena means there is less guidance than for those working with the vulnerable or 'deviant' in this field (Duke, 2002; Punch, 1986; Yeager and Kram, 1995). Elite research raises 'a particular set of issues and dilemmas which have important implications for the methodology, mode of interviewing and the process of analysis and interpretation' (Ball, 1994: 97). Researching political actors, those criminal justice professionals in the United Kingdom government, Whitehall and beyond, introduces specific power dynamics between the researcher and the researched, particularly if political partisanship or personal agendas are at play. Providing a reflexive account of the research process this chapter will critically reflect on matters of gendered power<sup>15</sup> and partisanship. In addressing such issues, it will also consider some of the ethical difficulties encountered when disseminating political research findings of this kind. It is clear that cautious balance needs to be afforded to the interests of competing political groups and individuals; an issue better addressed by other disciplines and one which criminology has remained largely silent on.

Part two will provide a brief critique of the literature on studying policy elites and the concept of power in the interview setting. Part three will outline and justify the chosen methodological approach, briefly outlining the constituent elements of feminist research practice. Part four will discuss issues related to sampling and access. Part five will provide some reflections on the interview process, questioning the existence of 'a sisterly exchange of information' when interviewing female policy elites. Part six will focus on data analysis and interpretation, and in particular the issue of self-censorship. Part seven will argue that only by engaging in a process of reflexivity or 'methodological self-consciousness' (Finlay, 2002a), are

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<sup>15</sup> While not all participants were female, the majority were, and such encounters provide the main focus of this chapter.

criminologists well positioned to uncover and report on the nature of power dynamics in research encounters involving elites.

ii. Studying Policy Elites, Power and Networks

*Researching Elites*

Punch stated in 1986 that social researchers have 'rarely penetrated the territory of the powerful' (1986: 25), with field studies traditionally focused on the deviant or marginalised. This is certainly true in the field of criminology, yet in the last few decades social scientists have increasingly turned their research endeavours to the actions of the elite members of society and the power that they yield. Such developments have led to a small but growing body of literature that exposes the specific challenges of investigating this group. While expanding scholarship has led to a wide recognition that there is no universal definition of the term 'elite', such actors have variously been described as 'those with close proximity to power' (Slote Morris, 2009: 209), or with particular expertise (Burnham *et al.*, 2004). Some have expressed unease with the term and its 'connotations of superiority'; Reisman (1964: 528, cited in Smith, 2006: 645) in particular dissatisfied that he had found 'no other term that is shorthand for the point I want to make, namely that people in important or exposed positions may require VIP interviewing treatment on the topics which relate to their importance or exposure'. Recognising attempts to problematize the classification, the research adopted Slote Morris' (2009) distinction to include those in positions of [or close proximity to] power; including Lords, former Ministers, MPs, former civil servants, chief executives, high profile academics and journalists. Burnham *et al.* (2004: 205) characterised elite interviewing as 'a situation in which the balance is in favour of the respondent' and this can lead to additional challenges in the participants' natural tendency to take control of the agenda (Burnham *et al.*, 2004: 205).

It is of no surprise that those researching this field have determined that 'political interviews are themselves highly political' (Ball, 1994: 97) and that such research raises 'a particular set of issues and dilemmas which have important implications for the methodology, mode of interviewing and the process of analysis and interpretation' (Ball, 1994: 97). As will be deliberated throughout this chapter, 'elite interviewing is characterised by a situation in which the balance is in favour of the respondent' (Burnham *et al.*, 2004: 205) and this can lead to

additional challenges in gaining *access* and the respondents' tendency to seek to *control* the agenda (Burnham *et al.*, 2004; Bygnes, 2008 in Slote Morris, 2009, emphasis added). Researchers working in this field must also appreciate that they may never get to the bottom line, because some lines of enquiry with elites are simply off limits. Instead of the bottom line, researchers may have to tolerate the official or party line, and must also prepare themselves to be lied to (of similar issue when interviewing those deemed as 'non elites'). Recalling their investigation of elites in the Department of Education, Fitz and Halpin viewed the 'imposed reality' as 'inevitably highly constrained', and they 'glimpsed an unfamiliar world that was only ever partially revealed' (1994: 40). Such issues have clear implications for the validity and integrity of qualitative research findings.

It is clear, therefore, that handling an elite interview can be a very complex business (Lilleker, 2003: 210), and it is easy to see why there is a defeatism among social scientists in their dealings with the powerful (Mungham and Thomas, 1981 in Williams, 1989: 254). Those engaged in research of this kind may fear that elites will not want to cooperate, and will wish to protect their privileged position. One key issue is the fact that few researchers have been prepared to discuss the issues and dilemmas that are faced when researching elites, 'when locating individuals one feels are imperative for a project, when attempting to obtain answers to the questions one has set, and when dealing with the data gathered from interviews' (Lilleker, 2003: 207), and there is a growing need for more accounts of such studies. Despite ample commentary on the *constraints* of elite studies, it is clear that such research is able to provide insights or glimpses into worlds of which we know comparatively little: 'the activities that take place out of the public or media gaze, behind closed doors... information that could not be gleaned from official public documents or contemporary media accounts' (Lilleker, 2003: 208).

### *Power in the Research Setting*

Traditional elite research has tended to concentrate on a 'linear orientated conception of power' (Neal and McLaughlin, 2009: 695), where authority is statically defined as 'residing in the explicit structural positions of either the researcher or the research participant'. Such structural accounts often assume that the power associated with people through their professional positions will transfer directly onto the interview space (Smith, 2006: 645). Despite the undoubted frequency of such accounts, some have critiqued traditional

interpretations of power as inflexible to the reality of social inquiry, and have instead advocated the application of a 'poststructuralist filter' to the analysis of elite power. Smith in particular stressed:

'The idea that elites can be neatly defined and treated as consistently powerful is a view which relies on a rather simplistic idea that there is a dichotomy between powerful elites and powerless others', arguing that 'such an outlook ignores the proposition that power exists in a variety of modalities... that these modalities of power can be negotiated and... that elites may change over time' (2006: 645).

While feminist versions of reflexivity (see Wilkinson, 1998; Reinharz, 1992) have sought to address concerns about unexamined power balances between participants and researchers (Finlay, 2003), this has often focused on the researcher as the powerful one in the relationship. It is clear, however, that feminists researching female public figures require different skills to negotiate the dynamics of this particular research space. Attempting to understand the power dynamic between researcher and elite informant is crucial, because it not only shapes the interview process, but also defines how knowledge is created (Conti and O'Neil, 2007: 67). Echoing the case presented by Smith, Neal and McLaughlin (2009: 703) described the 'untidy and emotional research encounters in which power moved in mobile ways across interview landscapes' during their fieldwork with elite participants. It may therefore be simplistic to conceptualise the research relationship between elite and researcher as a one-dimensional hierarchy (Duke, 2002: 52) and it is important to scrutinise the sometimes unsettled nature of such power dynamics (Duke, 2002: 703; Smith, 2006). Based on my own research experiences, this study adopted a poststructural perception of power between researcher and researched; and while it is acknowledged that it may not be possible to ever fully understand the *true* nature of power relations within an interview, it is possible to think and write about these relations in a more open manner than has traditionally been undertaken (Smith, 2006: 647; also Rose, 1997; England, 1994; Bondi, 2003).

### *Researching Policy Networks*

Although the analysis of policy networks has become one of the dominant approaches for the study of policymaking (Rhodes, 1997, 2007; Marsh and Rhodes, 1992; Dowding, 1995), there

is a paucity of methodological and reflexive accounts which explore *how* they are researched (Duke, 2002: 41, emphasis added). Duke is clear that ‘in order to understand the interactions within the policy process... the *qualitative* approach offers distinct advantages’, yet as already highlighted, ‘researching powerful individuals within such networks generates a unique set of dilemmas and complexities for the researcher’ (Duke, 2002: 39).

Reflecting on their own experiences, Fitz and Halpin were clear that those studying elites require ‘sufficient cultural and social awareness to know how to play the game well enough to remain in the field’ (1994: 48). Researchers must learn to negotiate the micropolitics, individuals and personalities within their chosen policy network. Learning to ‘tread carefully’ when researching networks is therefore highly significant, as ‘individuals... communicate with each other, and about you and your research. Staying in is often dependent upon not making mistakes’ (Fitz and Halpin, 1994: 39). One overarching research preoccupation is the desire to uncover ‘who participates and who wields power’ (Atkinson and Coleman, 1992). Some political actors or organisations are located at the core of the policy system while others occupy a position on the margins or periphery (Duke, 2002: 46; see also Grant, 1978; Marsh and Rhodes, 1992). It is for the researcher to attempt to uncover such positions while adhering to the cautious advice about ‘staying in’.

### iii. Methodological Approach

#### *Feminist Research Practice*

Although this study was conducted from a liberal feminist standpoint, it is important to remember that feminist methodology is not simply distinguished by female researchers studying women (Ramazanoglu and Holland, 2002: 15). In a now classic statement, Harding (1987) argued that feminist methodology is a theory of research rather than a specific method or technique for gathering information (Conti and O’Neil, 2007: 65). Discussing overarching feminist commitments, Ramazanoglu and Holland have argued that *all* feminist research is a social and political process; that it makes assumptions about the nature and meanings of ideas, experience and social reality; and that there is accountability for the political and ethical implications of knowledge production (2002: 10-11). This study follows such commitments. Although feminist literature accepts that some numerical data can be used in qualitative

studies for 'directional orientation', feminists have traditionally argued that statistical techniques can only serve to obscure qualitative meaning, and are consequently not part of the practices of a feminist social science (Leininger, 1994: 103 in Oakley, 1998). While there have been welcome signs of a recognition within feminist research of the usefulness of quantitative methods (Gorelick, 1991 in Oakley, 1992), it would be fair to say that feminist research remains strongly founded on qualitative principles. Adopting a qualitative approach, this study remains faithful to the underlying principle that the researcher 'must be placed within the frame of the picture that she attempts to paint' (Harding, 1987: 9).

Consistent with the arguments forwarded by Ramazanoglu and Holland (2002), Conti and O'Neil are clear that part of the feminist research agenda must include a serious acknowledgement and analysis of the 'micropolitics' of research projects. This final element is not an afterthought, but must be central to the documentation and dissemination of the research (2007). As highlighted by Duke (2002: 44), there is consequently a strong tradition amongst feminist researchers of providing analyses on the nature and practice of conducting research (for example Roberts, 1981; Stanley and Wise, 1983) and a growing body of work emerging in criminology (King and Wincup, 2008; Davies, Francis and Jupp, 2000). Such work has undoubtedly helped to highlight and *politicise* the debates around the conduct of research (Duke, 2002: 44), yet the majority of documentation and guidance remains firmly focused on researching the vulnerable. It is clear, therefore, that more work needs to be published on the research experiences of those feminists studying up. One crucial methodological concern is that while a fundamental principle of feminist research is to *minimize* the power disparity in research settings, working with political elites who also happen to be women can result in considerable anxieties: 'on the one hand, political actors are well known for trying to control discussion and manage the topic schedule, at the same time, a feminist researcher working with female subjects should be trying to give some control to her interviewees' (Ross, 2001: 164).

### *Methodology*

In wider academia there are intense disagreements over 'whether social reality can exist independently of people's ideas about it... where ideas come from, and whether/how they are powerful' (Ramazanoglu and Holland, 2002: 10). Adopting a constructionist perspective, this study views meaning as coming into existence out of engagement with the social world (King

and Horrocks, 2010: 22), agreeing with the statement that 'no human being can step outside of their humanity and view the world from no position at all, which is what the idea of objectivity suggests' (Burr, 1995: 152). In addition, the interpretivist rationale focuses on understanding how different actors experience the social world and what it *means* for them. This study is therefore concerned with interpretivism in the policymaking process, seeking to investigate how political actors interpret their own social world and the methods they use to persuade others. In pursuing such information, semi-structured interviews are viewed as the paramount method as they 'yield rich insights into people's biographies, experiences, opinions, values, aspirations, attitudes and feelings' (May, 2001: 120).

Participants comprised of various political and policy elites from across the spectrum, the majority of whom were public figures. In total 35 interviews with 34 participants were conducted: *ten* interviews with Chief Executives, Directors or staff from penal reform or criminal justice organisations, *three* interviews with former senior civil servants from the Women's Criminal Justice Policy Unit at the Ministry of Justice, *three* interviews with former Prisons Ministers, *one* interview with a former Attorney General, *four* interviews with members of the House of Lords (including key figures in the field of women's penal policy), *ten* interviews with crime, home affairs or social affairs journalists (or former journalists), *two* interviews with high profile campaigning academics, *one* interview with a female Crown Court judge and *one* interview with the former Governor of the second largest female prison, HMP Styal. Central to the research process was the analysis of Hansard, ministerial speeches, government publications, select committee evidence, policy reports from the campaign groups and prison population statistics in order to develop a greater understanding of the policy problem in question.

It is clear that researching policy actors can be a complex undertaking as much of what occurs in politics is 'off-stage' and unrecorded (Lilleker, 2003: 213). Duke has argued that it is only through employing qualitative methods that researchers can hope to understand *meanings and choices* in the policy process (2002: 42). It is, however, important to note that an interpretivist collection of qualitative interview data is rooted in a subjective paradigm that is not value-free (Watts, 2008: 440-441). It is inextricably linked to the experiences and viewpoints of the researcher who may not be emotionally detached from the topic of inquiry (Watts, 2008: 440-441). In this sense qualitative research may not profess to be neutral or objective. Furthermore (and discussed in more detail towards the end of this chapter),

qualitative results rely on participant interpretation of the ‘facts’ together with a commitment to honesty. Critics of the qualitative interview are therefore fair in their assertions that it can produce accounts which are self-serving and unreliable (Williams, 1989: 269). It is also important to underline that single case studies of this nature are not generalizable to other policy fields or arenas.

#### iv. Sampling, Access and Ethical Consent

##### *Sampling*

If the aim of qualitative research is to gain a deeper understanding of the nature and form of social phenomena and to unpack meanings (Ritchie and Lewis, 2003: 82), then samples must include relevant participants who are able to illuminate and inform (Ritchie and Lewis, 2003: 82). If, like this research, the inquiry involves a single case study, important decisions still need to be made about people, settings or actions (Burgess, 1982). Purposive sampling is often used in research of this nature, yet there is still a requirement for clear objectivity so that it is able to withstand independent scrutiny. Due to the specialised nature of the policy network and the limited participant pool available, it was not a complicated task to target potential participants with relevant knowledge and expertise. The selection of participants for this research was therefore criterion based or purposive. On a few occasions sampling adopted a snowball method, with participants providing details of others who they thought might be relevant to the research. On two occasions I acted more spontaneously, and approached individuals at public events.

##### *My Position: An ‘Informed Outsider?’*

It is important at this stage to make explicit my position in the research process. During my previous professional experience as a researcher in the House of Commons I became interested in penal policy formulation and development, and in the key players involved in this process. While working in Parliament I had the opportunity to visit several prisons, visit a women’s ‘one-stop-shop’ and attend various All-Party Parliamentary Groups (APPGs) and Westminster receptions. This experience provided the backdrop to my specific research interests in the run up to my doctoral research.



Academics have long debated the benefits and pitfalls of being regarded as an outsider or insider when conducting research. Being an insider has traditionally been regarded as beneficial, with the researcher able to feel a sense of 'belonging' with participants (Hill-Collins, 1990), yet others have argued that outsiders have the benefit of objectivity (Fonow and Cook, 1991). Mullings blurred this distinction to suggest that it is possible for researchers to be both insiders *and* outsiders (1999). Despite my position, it would be erroneous to label myself as an insider. I had not worked in the criminal justice policy sphere at the time of fieldwork, and nor did I have any direct contacts. My advantage however, was that I had operated in the same 'Westminster village' as many of the participants. As an 'informed outsider' with a Parliamentary pass I was able to watch live debates, attended events, read documents (sometimes restricted to Members of Parliament) and follow the work of key individuals with great interest. I retained my pass for the majority of the fieldwork process to enable me to attend events in Parliament, such as relevant meetings, APPGs and select committees.

Operating in a similar position, Mullings (1999) recalled the ethical dilemmas of presenting herself to participants. Considering that whilst she did not 'falsify any of the attributes' that constituted her insider position, she found it difficult to assess whether she should have been more explicit about all the dimensions of her positionality (Mullings, 1999: 347). I similarly felt such dilemmas, and while I had no specific policy, in general I did not tell participants about my Parliamentary connections unless they asked me. In calling for the abandonment of the arbitrary insider/outsider distinction, Herod has argued that 'it is perhaps more appropriate to consider the relationship between the researcher and the elite s/he is researching as one involving a sliding scale of intimacy' (1999: 326). In finding it difficult to define my own position in the research process, this concept may prove helpful when describing those whose position is not clear cut.

### *Access*

Alongside issues of power, access is a major preoccupation for those researching up. Researchers are dependent on the cooperation of a relatively small number of people with specialised knowledge and without their assistance the study cannot progress. Access can be problematic because elites have 'the power to create barriers, shield themselves from scrutiny and resist the intrusiveness of social research' (Duke, 2002: 45), and it is therefore contingent upon 'extensive preparation, homework and creativity on the part of the researcher'

(Odendahl and Shaw, 2002: 306). One way of pursuing access is by exploiting any pre-existing links with those in power (see also Ostrander, 1995; Odendahl and Shaw, 2002). Cassell (1988: 95) argued that the researcher of the powerful needs many of the characteristics of the social climber: 'everyone who might possibly know someone, must be contacted and asked if they will give introductions, vouch for one, and otherwise help one's enterprise' (in Walford, 2011: 2). While this may be a viable strategy it was not the approach that I adopted; I had plenty of contacts in former colleagues, but I did not call upon anyone to assist with the research. Only on one occasion did I 'name drop' a previous employer to help gain access to a former Minister. I do, however, accept Duke's premise that access may well be easier for those who have existing links with those in power, such as contacts from previous employment (2002). Gewirtz and Ozga (1994) have argued that access is more likely to be granted if the interviewer seems 'perfectly harmless'. And while other researchers have similarly noted that being female is a great advantage in presenting a non-threatening image (Klatch, 1988), Neal (1995) has argued that being a female may also lead to not being taken as seriously as a male researcher (in Walford, 2011: 2).

My initial concerns about access were, on the whole, unjustified. I did manage to speak to the majority of those that I had initially targeted, although the fieldwork was a drawn-out process. I had initially estimated one year, but the fieldwork eventually took double that (between April 2011 and April 2013). This timescale was far from ideal, but it does highlight the extent to which the power was held by my participants (many of the public figures were not able to commit to an interview for several months; journalists, on the other hand would change the date at very short notice). The process of confirming an interview could span several months, and I would routinely need to resort to chasing offices before a date was agreed. Of major regret was that I was unable to interview the then Minister with responsibility for women in the criminal justice system, Helen Grant MP. Having mentioned this to several participants, I was reassured that she was not prepared to meet anyone. One reason for this was because she had not long been in post and the promised '*Strategy*' document for women was yet to transpire.

Despite several refusals, it was certainly much easier to speak to those in the policy world than to journalists. Ideally, I would have interviewed at least one journalist from every national newspaper, but this proved to be an impossible task; my success rate with journalists was approximately one response in every four or five requests sent out. Most journalists would

simply ignore emails and I had to satisfy myself with ten (including two former journalists). This is understandable given the nature of my research: reform of the penal system is viewed as having little audience or readership appeal (Schlesinger and Tumber, 1994: 149) and very few journalists are engaged in such issues. The major lack of cooperation came from the right-leaning tabloid press; however journalists from right-leaning quality newspapers such as *The Daily Telegraph* and *The Times* were also reticent to speak. In my experience at least, the media world remains much harder to penetrate than the 'corridors of power'.

### *Ethics*

Ethical problems in interview research arise due to the complexities of 'researching private lives and placing accounts in the public arena' (Miller *et al.*, 2002: 1). While ethical considerations focus mainly on studies involving disadvantaged participants, they are equally important when researching elites. Major issues relate to informed consent and confidentiality. All participants consented to the research and were given the option of receiving the transcripts prior to publication. As the majority of participants operated in the public eye, most were happy to speak 'on record', however two wished to remain anonymous. As the fieldwork progressed, my own views on anonymity changed, and I made the later decision to anonymise all of my research participants, enabling me to write more frankly whilst protecting their public reputations (see section *vi*).

The study adhered to the ESRC Research Ethics Framework<sup>16</sup>, that:

- Research should be designed, reviewed and undertaken to ensure integrity and quality
- Research staff and subjects must be informed fully about the purpose, methods and intended possible uses of research, what their participation in the research entails and what risks, if any, are involved
- The confidentiality of information supplied by research subjects and the anonymity of respondents must be respected
- Research participants must participate in a voluntary way, free from any coercion
- Harm to research participants must be avoided

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<sup>16</sup> Available at: <http://www.esrc.ac.uk/about-esrc/information/research-ethics.aspx>

- The independence of research must be clear, and any conflicts of interest or partiality must be explicit

Furthermore, the study also adhered to the British Society of Criminology's (BSC) ethical guidelines<sup>17</sup>. BSC guidelines state that research must be taken to the highest possible methodological standard in order that the maximum possible knowledge and benefits accrue to society (in Davies, Francis and Jupp, 2011: 294). With a responsibility towards the discipline of criminology, participants and colleagues, this study adhered to the above requirements.

#### v. Reflections on the Interview Process

As in many studies of a qualitative or feminist nature, the interview process was flexible, leaving space for emerging issues and concepts. I had prepared an interview guide with a list of fairly specific questions to be covered, but my line of questioning did not always follow a set order, and interesting points were followed up if possible. Guided by Kvale's (1996) criteria of successful interviewing, I attempted to be clear, gentle and sensitive, while steering the topic of conversations and interpreting the responses. As I grew in confidence I was able to adopt more of a conversational manner, and later interviews became far more unstructured. While some participants asked to see the questions beforehand, very few had actually taken a look when it came to the interview date. The majority did not ask, and when I arrived to interview them, questioned me on what I was researching (despite all the information I had sent), perhaps an indication that they did not take my work seriously. It is accepted wisdom that PhD students occupy a unique position within the academic hierarchy; they work alone and have low status with few credentials (Duke, 2002: 52). Discussing her experience of doctoral fieldwork, Duke viewed herself as a 'lone wolf', and felt that as a consequence she was perceived as harmless, non-threatening and without power (Duke, 2002: 52). Consistent with Duke's experience, this section will outline my own research encounters in more detail. While the interview process constituted an array of issues, major themes related to location and time, the difficulties in asking probing questions, the 'brought self' and interviewing female elites.

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<sup>17</sup> Available at: [www.britsoccrim.org/ethical.thm](http://www.britsoccrim.org/ethical.thm)

### *Location and time*

Instructional guidance on interview techniques places great stress on the importance of the physical environment (see Lofland and Lofland, 1995). Researchers should endeavour to find comfortable, private settings where their participants will not feel intimidated. Such literature is, however, of lesser use to those studying up, since researchers-of-elites often have little or no control over interview locations. Elwood and Martin have argued that researchers have tended to ignore 'the power dynamic constituted by the interactions among interviewer [and] participant *in particular interview sites*' (2000: 651, emphasis added); an issue of particular relevance to this study.

All interview locations were decided by the participants. Whether in their sitting room or kitchen, a cloakroom, a hotel lobby, a café or bar, an open plan office, a government department, a busy House of Commons office or a noisy bench on the House of Lords terrace, I was expected to 'fire away', regardless of who was in earshot. Many of these venues were clearly unsuitable, but I quickly learnt to become adaptable. Consistent with the experiences of Elwood and Martin, I would argue that *where* the interviews took place clearly had an effect on the length and tone of conversation (including power dynamics) and the nature of questioning; in some busy public bars or cafes it simply wasn't appropriate to ask politically sensitive questions. Harvey has warned that if researchers are conducting interviews in neutral venues (such as cafes or bars), they should avoid a location that is neither too quiet nor too noisy (2010: 202). That is no easy task. Such venues often filled me with anxiety, as I knew it would not be easy to conduct a proper interview or for my Dictaphone to adequately record the conversation. Such experiences were pushed to the limit by one journalist who told me that he would give the interview over an alcoholic drink. I was certain that a busy London bar on a Friday night was not a suitable place, but having worked so hard to secure the interview I didn't feel that I was in a position to disagree. Noisy open plan offices were another location that I had to quickly master. One participant repeatedly stopped the interview to take phone calls and check emails. The process of repeatedly turning his back meant that the interview never really got off the ground. The conversation was incredibly disjointed, and more than once he asked 'where was I?', or 'what was I saying?' I then had to quickly summarise what I thought he had said before we were in a position to continue.

One particularly difficult research encounter took place after a participant's speaking engagement. Despite asking for an alternative, I was told to attend the event in order to speak

to them during the evening reception. After the talk I duly approached the participant and reminded them of our correspondence. I am certain that they had forgotten who I was and why I was there, despite the fact that I had sent an email the day before reminding them that I would be attending. We went into a side room that was being used as a cloakroom, and it became clear that I had approximately five minutes to ask my questions. I realised that I needed to act like a journalist, quickly scanning the most important questions and prioritising about three. Visiting the homes of public figures was another interesting element of my research endeavours. Dexter has warned against conducting interviews in homes 'because some interviewees will let their families come in and out freely, and generally will tolerate interruptions which they would not in their offices' (2006: 48). While these interviews involved interruptions from family members, many of the interviews were interrupted wherever they took place.

As well as the location, most participants also controlled the interview length. Fitz and Halpin recalled that 'one attribute of the powerful is that they are able to make you wait and thus determine the organisation and the pace of the research' (1994: 34). Like Fitz and Halpin, I learnt to 'quickly prioritise questions at the same time as asking them, editing the schedule as the interview proceeded' (1994: 47). Body language would demonstrate when participants were anxious to get away. During most interviews I felt the need to say 'only two more' or 'just one last question', as I was acutely aware of time constraints or even boredom – however long the interview lasted.

### *Probing Questions*

Marshall believed that researchers in policy settings encountered either 'ostriches', people who obfuscate or avoid them, or 'pussycats' who are delighted to relate 'secrets', provide access, and generally be useful in the research (1984: 236). While some participants were very open and honest, others were less happy to provide information that was not already out there. In such cases it became clear that asking difficult or probing questions was out of the question. Many elites operate in the public eye and are interviewed regularly, and they do not 'suffer fools gladly' (Richards, 1996). They do not expect to be contradicted when they are giving their time altruistically.

Some participants preferred to keep the interview as a conversation, expecting me to know when they had answered my question implicitly. Others were keen to explain their side

of things and would revert to talking in long monologues. Walford has warned that a familiarity with being 'listened to' may mean that elite participants may 'just talk' and not answer the specific questions asked (2011: 3). As Ostrander (1995) has argued, this may not simply be self-centredness, but rather an accurate reflection of their position in power. As participants were giving their time free of charge, I was keen to be seen as gracious and non-confrontational, and as such I had a tendency towards acquiescence. Lilleker has warned academic researchers 'never to adopt the methods successful for Jeremy Paxman... [as] these work only in the exceptional circumstances of the television or radio studio' (2003: 210). In contrast, Mickelson (1994; see also Walford, 2011) has argued for a more confrontational approach, where evasive answers are challenged and blunt questions are asked. Given my previous experience working with public figures, I would argue that such an approach is only possible in certain situations, and it is certainly very difficult for (female) PhD researchers to master in elite interviews. I do however acknowledge that if I had probed more in some areas, my results may have been slightly different.

### *The 'Brought Self'*

During the interviews, a key issue was how much of my own knowledge to disclose (Adler and Adler, 1987). McDowell recalled her shifting positionalities when interviewing elite participants: 'playing dumb' with older patriarchal figures, 'brusquely efficient' with fierce older women, 'sisterly' with women of the same age and 'superfast and well-informed' with young men (1993: 2138). Duke similarly recalled that she tended to switch between knowledgeable and 'naive' depending on the circumstances of the interview (2002: 48) and that is how I would describe my own experience. During the initial interviews with certain key players, I felt (perhaps erroneously) that it was important to show myself as legitimate, recalling past events that we both might have attended and perhaps 'name dropping' important people that I knew. Towards the end I spoke much less as I became more confident in my own knowledge, and I believe this made for better interviews. One issue that I had not prepared myself for was how I would react to statements that I disagreed with, or found repulsive. Willott recalled that she 'enter[ed] sympathetically into the alien and possibly repugnant perspectives of rival thinkers' (1998: 183) during her fieldwork experience. I too adopted this position, but it did not stop me critically reflecting on my 'brought self'. During one interview I had to disguise my shock when a participant (a journalist) described in great

detail their ideal 'murder', and explained that 'boring' cases involving 'husband beats wife' simply wouldn't make the paper. Another participant was extremely vocal about their ideological values throughout the interview, and I found myself nodding in agreement, although I strongly disagreed with what they were saying.

I became much more conscious of my gender when interviewing male participants. I found some of the male participants easier to talk to, and on reflection this is perhaps because I had professional experience of working for high profile males, and found it easy to slip back into my 'employee' position. It was my experience that, on the whole, the male participants disclosed much more damaging information than the female participants, whether they were aware of this at the time. One major factor may have been due to my sex, and that I, as a twenty-something female researcher, was perceived as unthreatening. Some of the older male participants were quite paternal towards me, walking me to taxis or train stations or asking me questions about my journey. One participant became a little inappropriate, and I'm not sure this would have happened if I had been a male researcher.

#### *Interviewing Female Elites: A Sisterly Interaction?*

The age, ethnicity and social status of women being interviewed has been shown to be influential in the power relations between women in the interview setting (Broom, Hand and Tovey, 2009: 53; see also Cotterill, 1992; Reinharz and Chase, 2001; Riessman, 1987). Feminists usually favour the researcher being a 'supplicant' (McDowell, 1992, 1993). This approach has been recommended for women interviewing women so as not to 'objectify our sisters' (Finch, 1993: 167 in Desmond, 2004: 265). While such guidance is rightly aimed at those researching vulnerable populations and giving voice to the 'powerless', little commentary exists for those interviewing female elites. Furthermore, whereas a great deal of literature exists on both interviewing and gaining access to elites, a relatively small amount concentrates specifically on women. One reason for this may be because the term elite is more widely associated with males, or simply because there are substantially fewer females in positions of power. As such, very little consideration has been given to feminist research situations where the researcher lacks control over the interview (Puwar, 1997: 2.4). There is consequently a paucity of commentary on the negotiation of space whilst conducting interviews with female political elites, those who are simultaneously an elite and a woman (Puwar, 1997: 4.2).



In the classic text on feminist interviewing, Ann Oakley argued that 'a feminist interviewing women is by definition both 'inside' the culture and participating in that which she is observing' (1981: 57). Oakley painted a picture of 'sisterly interaction', yet the female researcher studying female elites may not always enjoy such a rosy experience. In highlighting the difficulties she encountered when interviewing female MPs, Puwar was clear that interviewing females in positions of power was 'not always a cosy, friendly exchange of information' (1997:11.1). Indeed to Puwar, 'the whole power asymmetry is reversed when researching women elites' (1997: 11.1). Desmond similarly found female participants to be 'tough, brusque and official', and concluded that 'it is a mistake for female researchers to assume a feminist solidarity exists' (2004: 265). Both accounts correspond with Stacey's assertion that feminists can suffer a 'delusion of alliance' (1991: 116) if they assume common interests in woman-to-woman research (in Ramazanoglu and Holland, 2002: 106). It would be fair to say that a muddy mixed picture of power and solidarity emerged during the course of my research encounters.

Issues of power were present in several memorable interviews. One high profile participant sent her young male researcher to lead me to a grand room where we were to meet in Westminster. She arrived after about five minutes and extended her hand for me to shake. I had been informed by other participants that she 'took no prisoners' and, despite working in the Commons for several years, I was particularly nervous. Without a Parliamentary pass hanging around my neck, I felt that I had lost whatever status I previously had, even if this meant nothing in reality. She sat the other side of a very large table and I felt that this clear distance acted as a barrier between us. It was clear that she was not interested in building rapport. Her researcher sat by her side throughout, and when she answered, it was to both of us as her audience (a situation 'in which an image of the 'self' had to be presented' (Puwar 1997: 7.4)). Her power and status was ever-present during our conversation, and although she was generous with her time, it was clear who had controlled the interview.

I quickly learnt that some participants had limited interest in the research. One participant, who I had felt that I had developed a slight rapport with, informed me in a somewhat short manner at the end of our interview that her personal assistant, (an acquaintance), had 'begged me to see you'. Another participant kept me waiting for half an hour in an open plan office before providing me with very official, party line answers to my questions. Towards the end of our interview she asked 'are we nearly done?', and while I was very grateful for her time, I realised that our encounter meant much more to me than it did to

her. I came across several participants at public events during the fieldwork process. One participant gave me the standard 'nice to meet you', even though I had spent an hour with her about nine months previously. I did not expect anyone to remember me, but it was uncomfortable nonetheless. I quickly realised that attempts to create a flatter relationship were simply not appropriate for those participants that operated in the public eye.

While those interviews that I thought would be enjoyable were often the opposite, those that I dreaded were often very surprising. I had been trying unsuccessfully to contact one participant for a period of eighteen months when I was eventually put in touch with her by another participant. Having been stonewalled for so long, I wasn't sure what to expect from the interview. The participant turned out to be a model interviewee. As I felt the issue of *trust* was one of the reasons why she had previously ignored my requests, I was keen to emphasise from the outset my position as a supportive academic researcher and not a journalist. During the interview I realised that all the preconceived ideas I had about her and the organisation were wrong. Perhaps the biggest shock of all came from my research experience with a female Crown Court judge. On arrival at the Crown Court I was told that her trial was running late, but that she had asked me to sit and wait for her in the public gallery. After sentencing the defendant, I heard her tell the court clerk to escort me to her office and I was led across the courtroom to her private quarters behind the Bench. I hovered by the door as she took off her wig, not knowing what to expect, but she turned out to be extremely warm and engaged. During the course of the short interview, she paced around the room and occasionally leaned over the table where I was positioned, yet despite this assertive stance she remained friendly and helpful throughout. During one tricky interview, the shifting power was acute. One participant, who I was extremely keen to meet, was annoyed that I had waited for her in the wrong place. While I was certain that I was in location that we agreed, it was not appropriate to challenge this. We set off to the interview location (which turned out to be inappropriate for a proper conversation) and it was clear that she wasn't interested in small talk. During the interview she was fairly brusque, but at points emotional. Such an experience concurs with Neal and McLaughlin's (2009) experience of 'messy and emotional' research encounters with elites.

Despite such experiences, it would be erroneous to describe all the female elite participants as difficult interviewees. While I have described some memorable interviews, I had some extremely positive experiences and most participants were polite and straightforward. It

is, however, too simplistic to conceptualise the research relationship between elites and researchers as a one-dimensional hierarchy (Duke, 2002: 52). Adopting a poststructuralist conception of power, my experiences complement those of Puwar (1997); that at times research echoed Ann Oakley's description of interviewing women as a cosy, friendly exchange of sisterly information (1982: 55), whilst at other times it related more to Ball's description of interviews with MPs as 'events of struggle' (1994: 113). Whatever the experience of interviewing female elites, it is clear that accounts must endeavour to be 'just as diverse and rich as the wide range of accounts to be found when the researcher is the privileged one in the relationship' (Puwar, 1997: 11.1). On reflection I had inadvertently taken to adopting what Rice (2010: 70) referred to as the 'elasticity of positionality' as a 'field strategy' to help negotiate the often unpredictable and unequal power relations that I encountered (see also McDowell, 1993; Duke, 2002).

## vi. Data Analysis and Self-Censorship

### *Data Analysis*

All conversations were recorded and transcribed as soon as possible after the interview. Ritchie, Spencer and O'Connor (2003: 202) have noted that qualitative data is usually voluminous, messy, unwieldy and discursive, similarly labelled by Miles as 'an attractive nuisance' (1979). Data analysis can be complicated and confusing, as 'identifying what themes to include involves the researcher making choices about what to include, what to discard and how to interpret participants words' (King and Horrocks, 2012: 149). The eventual published account, therefore, 'is not an objective rendering of 'reality' but it is the researcher's interpretation of the facts that is published for public view' (Slote Morris, 2009: 214).

Although there is often a distinct stage dedicated to data analysis, the study was iterative in nature, whereby initial key themes were refined and adapted throughout the fieldwork process before being assigned to wider theories. Employing a version of template analysis, (which is especially suited to projects with a sample of up to 25 hour long interviews), a coding structure was applied to the transcribed data and revised as necessary until it captured as full a picture of understanding as possible. Initially adopting a 'cut and paste' technique, data was cut up and collated with broadly similar subject areas, and within these

broader areas, more specific or sub-levels became apparent (the lower-level themes representing distinct instances or manifestations of the concept identified by the higher-level theme (King and Horrocks, 2012: 168)). For each empirical chapter an initial template was constructed on approximately six scripts and this was then used against all subsequent transcripts and revised as necessary. This 'iteration of applying, revising, and then reapplying the template' (King and Horrocks, 2012: 166) continued until I was satisfied that it could serve as an adequate representation of my findings.

### *The Integrity of Interview Data*

It has been purported that elite respondents agree to be interviewed as they have something to say (Berry, 2002), and will use an interview to 'present themselves in a good light, not be indiscreet, to convey a particular version of events, to get arguments and points of view across, to deride or displace other interpretations and points of view' (Ball, 1994: 97-98). It is possible that participants may therefore exaggerate their roles and contribution (Berry, 2002) in a particular process, or emphasise some things whilst neglecting others (Berry, 2002; Lilleker, 2003; Richards, 1996). However it is also perfectly natural for individuals to have differing perspectives of events (Lilleker, 2002: 211). Lilleker stressed that qualitative researchers must accept that it is not possible to accept black and white analyses of events or people, and that researchers must instead 'accept that there were at least different perspectives, if not also different yet valid versions of a story' (2002: 214). It is also worth mentioning the 'accidental deception' that may occur in interviews when participants are recounting events from memory.

When it comes to qualitative data analysis such personal interpretations can prove problematic, particularly in terms of reliability. Reliability pertains to the consistency and trustworthiness of research findings (Kvale, 2007), and one main safeguard for researchers is to process a 'triangulation of sources' (Ritchie and Lewis 2003: 276). I ensured that by cross-checking and corroborating facts with the other primary and secondary sources mentioned earlier in this chapter (such as official policy reports, Hansard and newspaper articles), the instances recalled in interviews were validated wherever possible.

### *Publishing Political Findings and Self-Censorship*

My experiences add weight to the claim that qualitative research can be uncomfortable and challenging (Finlay, 2002b). Yet many qualitative researchers continue to refrain from reporting on the host of influences in the data collection process (Broom, Hand and Tovey, 2009). For some, telling 'the whole story' is of lesser importance, whilst for others (myself included) it is a crucial element of the research process. Reflexivity can be understood as a 'confessional account of methodology' (Finlay, 2002a) and revealing its intersubjective elements can only serve to improve the integrity of qualitative data, while providing others with further insight into the environment within which the information emerged (Broom, Hand and Tovey, 2009: 63). That does not mean, however, that reflexivity comes without its own myriad dilemmas and decisions, mainly focused around the extent to which researchers should 'come clean' (Duke, 2002). As Finlay has warned, engaging in reflexivity can be akin to 'negotiating the swamp' (2002a) and while, as famously advocated by Park, social scientists should expect to get 'the seats of their pants dirty by real research' (in Burgess, 1982: 6), those engaged in political investigations must appreciate the real possibility of dirtying their own reputation in the process.

Those walking the tightrope of political research routinely face a series of dilemmas when deciding on what information to put 'out there'. While a great deal of literature discusses the ethics and importance of protecting the vulnerable when publishing research findings (Liamputtong, 2007; Davies, Francis and Jupp, 2000), there can be a similar tendency to protect the elite, albeit for different reasons. Notwithstanding their ability to instruct legal proceedings, the fact that participants are powerful (and my case public figures) can lead to self-censorship (Walford, 2011: 4). Woliver (2002) described the dilemma of being told things in an interview that would be damaging to the respondent were they published, and this was certainly my experience. While it is undoubtedly more rewarding to feel the thrill of uncovering something new (as opposed to being fed the official line), decisions about the subsequent use of this data can be difficult for researchers. I left several interviews having learned a great deal of inside information, knowing full well that I could not use it for ethical reasons. Josselson neatly summarised the writing-up process by explaining that she had: 'taken myself out of a relationship with my participants... to be in a relationship with my readers. I have, in a sense, been talking about them behind their backs and doing so publicly' (1996: 70). While such reflections may routinely relate to vulnerable participants, researchers studying elites have

similar moral dilemmas when deciding what politically sensitive information to include or expel in their publications, the stakes perhaps even higher when publishing accounts of public figures.

My own research developed into a publication that is heavily self-censored, despite the fact that my participants talked to me 'on the record'. This over-censorship could perhaps be viewed as a method of self-protection, but as a feminist researcher my overriding loyalty has been to my participants. Ultimately, I do not wish to be obstructive, yet neither do I wish to publish a wholly sanitised account of my research encounters. It would be erroneous to assume that my gender, past experience and political stance did not have an impact on the finished result, indeed feminist research aims to be both contextual and emotional. It is therefore important to critically reflect on and 'accept our subjectivity, our emotions and our socially grounded positions [rather] than to assume some of us can rise above them' (Ramazanoglu 1992: 211, cited in Westmarland, 2001).

## vii. Conclusion

This chapter has demonstrated that through engaging in reflexive practice criminologists are better positioned to scrutinise the sometimes unsettled nature of power dynamics in research encounters involving criminal justice policy elites. Oakley once stated that 'interviewing is rather like marriage: everybody knows what it is, an awful lot of people do it, and behind each closed front door there is a world of secrets' (2005: 217). Reflexive stories show that it is possible for criminologists to open a window on areas that in other research contexts would remain concealed from awareness (Finlay, 2002b: 541).

Contributing to discussions of power and reflexivity, this chapter has highlighted the sometimes complex power symmetry that emerges when researching female elites in this field. It has been argued that the traditional feminist conception of power can be reversed in such circumstances, and it is easy to see why some argue this to be the case. While acknowledging the relevance of structural accounts, it may be more sensible to adopt a poststructural conception to the analysis of power in such settings, allowing a more flexible analysis to be applied to the sometimes murky emotional complexities of female elite research. As a feminist researcher, I believe we need more published reflections and confessional accounts from those

undertaking both elite and gender studies in criminology. However as a researcher of elites I veer towards self-censorship and continue to debate internally the extent to which I should 'come clean' (Duke, 2002). It is therefore easy to see why Finlay labelled the process of engaging in reflexivity as 'perilous, full of muddy ambiguity and multiple trails' (2002a: 212).

Whatever the experience of interviewing female elites, social scientists must continue to provide accounts that are 'just as diverse and rich as the wide range of accounts to be found when the researcher is the privileged one in the relationship' (Puwar, 1997: 11.1). As with all forms of feminist research, 'coming out' through reflexive analysis is ultimately a political act. But although fraught with ambiguity and uncertainty it has the potential to spur others toward a more radical consciousness (Finlay, 2002b: 544). It is equally important that academics are not deterred from engaging with elite members of society, political or otherwise, in the quest for expanding criminological knowledge. Loader and Sparks (2011a: 18) have called for criminologists engaged in such research to develop an understanding of the 'circumstances of politics' (Waldron, 1999: 106) and cultivate a 'qualified tolerance' towards those who practice politics as a vocation (Swift and White, 2008: 64). My own experiences would suggest this to be a judicious way forward.

The remainder of this study is concerned with the empirical findings and advancing theory on that basis. Adopting the three building blocks of Best's (2013) social problems model as distinct areas of focus, chapter five will investigate the role of *claimsmakers* in their attempts to influence policymakers and newsmakers. Chapter six will critically assess the role of *newsmaking* in the policy process, and will discuss journalists' opinions on penal reformers and the portrayal of women offenders in crime news. Chapter seven will examine the *policymaking* process, exploring the little-known nature of relations between penal reformers and the policymaking elite.

## 5. Claimsmaking

### i. Introduction

The aim of this study is to chart how the diverse political actors in the women's penal reform network pursue their political and communicative interests in the hope of achieving policy change. Focusing on penal reform campaigners, this chapter will explore whether, in light of our 24/7 'mass mediated reality' (Nimmo and Combs, 1983), the highly politicised nature of law and order and the consequent 'upgrading' of the public voice (Ryan, 2003), their task is made harder in the arena of women's penal policy, an emotive field that questions traditional gender assumptions and shines a spotlight on those who have deviated from the expected female 'norm'. All penal reform campaigners working in the field of women's penal policy were contacted for an interview and the views of participants are incorporated into this first empirical chapter. Campaigners were asked to outline their thoughts on the current status of women's penal policy, the strategies they employed to achieve their agenda-setting goals, what they felt about mediated representations of women offenders and whether this affected their work. Evaluating the above phenomena in relation to the building blocks outlined in chapter two, this chapter will synthesise data and theory in relation to the overarching research questions. Part two will explore what campaigners perceived to be the most significant *claimsmaking* challenges and the various barriers to women's penal reform, including penal populism, government resistance and media barriers. Parts three and four will focus on the relations between campaigners and *journalists*, outlining the difficulties faced by former as news sources, and the various media strategies, both proactive and reactive, that they employ. Part five will discuss the process of *policymaking*, considering Best's (2013) concept of 'insider claimsmaking' as well as Kingdon's (1984) model of policy streams. Part six will conclude with a brief discussion of the above findings in relation to developing theoretical understandings.



## ii. Campaigning Challenges

Best's (2013) natural history model of the social problems process argued that for claims to be considered seriously by policymakers they must pass along a linear process, involving a certain level of public support and media coverage. In considering the relevance of this concept to developments in women's penal policy reform, it is important to outline the various barriers faced by penal reformers in this endeavour. Before discussing their individual experiences, and the strategies they use to mitigate potential obstacles, this section will outline what campaigners perceive to be the most pertinent policy challenges: penal populism, government resistance, developments in news media technology and news media portrayals of women offenders.

### *Penal Populism*

As outlined in chapter two, Post-War penal policymaking was traditionally restricted to the chosen few who enjoyed insider access to the corridors of power. The overarching aim of the 'platonic guardians' (Loader, 2006) was to 'keep crime and punishment at a safe distance from electoral politics – to retain it, so far as possible, in the realm of quiet, melioristic, unflappable administration' (Loader, 2006: 569). Ryan identified an important change in the *manner* of penal policy making in the UK, when he documented the shift from the traditional model to a more political and populist style (1999, 2003; also Johnstone, 2000; Newburn, 2007; Pratt, 2007). Many campaigners recognised the phenomenon of this 'punitive turn' and their requirement to work within the new paradigm of justice. Explaining the demise of the 'platonic guardians' (Loader, 2006) and their replacement with the public, Campaigner A highlighted the decline in government interest in elite knowledge. This had serious consequences for those working in the sector because; "governments become much less receptive to influence by what I call 'experts'. They are, I think, much more interested in the tabloids. Over the last twenty years, there has been a very significant change in that the influence of elites is not so powerful in political things like crime". The increasingly populist nature of criminal justice policymaking was qualified by several other campaigners. It was agreed that while the Labour administration certainly did not pioneer 'populist punitiveness' (Bottoms, 1995), it undoubtedly continued the project with zeal. Campaigner B believed that the strategies of Tony Blair proved a watershed moment; "with his tough on crime and tough on the causes of crime, because everyone's tried

to appear tougher than everyone else and it's become a party political toughness". Campaigner C similarly agreed that "it became a Dutch auction on who could be tougher on crime", and that "nothing gets the tabloid readership more excited than crime". Consistent with Franklin and Lavery's (1989) notion of 'legislation by tabloid', and drawing parallels with *The News of The World's* campaign for Sarah's Law, she believed that "media coverage on law and order has become absolutely key to all of this ... I'm afraid too much policy is now made by newspapers". Recalling the demise of Coalition Justice Secretary Rt. Hon. Ken Clarke MP for being "too soft", Campaigner C described how "the conversation between the government and the population about this is always coarsened by the fact that we have the tabloids as interlocutors and they rubbish any sensible recommendations". Several other campaigners highlighted what they saw as the complex relationship between government policy, public opinion and the media. The requirement for politicians to help 'reshape' media agendas (Berry *et al.*, 2012: 589) was considered of key importance to rectify the current situation, with Campaigner D calling for "a [sensible] discussion that's got to be had in the eye of the media". Campaigner D highlighted the lack of media deliberation, with journalists routinely excluding the topic of women's penal reform 'from representation and discussion' (Chibnall, 1981: 87). As far as she was concerned, the public are provided with a very "shallow" understanding of key issues relating to crime, and "unless it can be made simple" and put into an easily digestible package, "people don't want to hear about it".

#### *Government Resistance: Political Will and Internal Barriers*

It is clear that the response to a policy problem is at least in *part* determined by the ideological and political values of the individuals and political parties that are engaged in finding its solution (Barton and Johns, 2013: 39), and policy will not be made if it is deemed politically dangerous or unpopular (Barton and Johns, 2013: 53). Changes in the political environment following the election of the Coalition government in May 2010 had serious consequences for the claimmaking activities of penal reform campaigners. Most believed that the precious political momentum that they had gained on women's penal policy during the Corston era had been lost. When asked what they perceived to be the barriers to women's penal reform, many highlighted what they viewed as the lack of clear resolve among politicians and policymakers. Campaigner B believed that "it's not about money, it's about leadership", while Campaigner D similarly argued that "at the end of the day it comes down to political will". Campaigner E was

unequivocal about the need for political support, stating that reformers desperately required “people like Chris Grayling. We need people in government who can influence”. Campaigner C was clear that “there are some areas of public life; some areas of social existence, where political leaders have to take the lead... People have to be brave. And I think it’s the same for the overuse of prisons. Political leaders should be making the political weather”. Campaigner D also agreed that politicians needed to be brave, and that “the policymakers are frightened to death of what will come onto the papers if they are seen to take an unequal approach or a soft approach”. She went on to describe it as a “fear of what *might* rather than what’s already happening”. Campaigner F believed that the priority for populist politicians was simply “about playing to the tune of middle England” and this meant that certain social problems, or certainly those considered to be less important, were ignored.

Campaigner G, a former civil servant, was clear that it was the government’s own *internal* barriers that stalled the agenda for change. Despite receiving funding from the Ministry of Justice for the establishment of the network of women’s community centres (the one-stop-shops), civil servants were “completely reliant on a whole host of other people. NOMS estate, Department of Health in terms of drugs and alcohol, mental health, treatment in the community”. He went on to explain that “we were constantly knocking on a closed door, and no one wants to open. And that’s crazy, internally, you know, you’re all colleagues. You’re all trying to achieve the same thing. At least on paper”.

### *Developments in Media Technology*

As highlighted by Indermaur and Hough (2002: 11), the internet provides an important medium for pressure groups to communicate with the public. Considered an important tool by some, most campaigners viewed internet blogs (or writing for online newspapers) as a risky forum to articulate their viewpoints in public. Describing her experience of writing for news websites Campaigner A admitted that;

“The internet has unleashed and allowed people to do what they would not normally have done twenty years ago because of social conventions, social norms, social pressure. Sitting at home alone with a computer... you can also be unpleasant. If you talk about women in prison it’s pornographic, and people can do it because they are not identified. So you’ve got to be very careful, because whilst you get a nice little story

about how this poor woman shouldn't be sent to prison, what you get as a result is a hornets' nest of craziness. So it can be counterproductive. Sometimes it's better just to be quiet".

Campaigner G similarly believed that "through their anonymity [people] can say whatever they like with no recourse. I think people feel that that kind of blanket will allow them to say anything". He went on to argue that "freedom of expression is entirely right, but I guess newspaper websites have some kind of responsibility... [and they may ask themselves], if someone's writing something indecent do we really want to host that? Is that helpful to the discussion?" He was astonished that "backlash" was "not restricted to any one newspaper either. You can go on more left leaning sites like perhaps *The Indy* or *The Guardian* and the commenting is still atrocious. It's really shocking, because it's almost like people are going on there just to be a cat amongst the pigeons".

#### *News Media Portrayals of Women Offenders*

As highlighted in chapter three, the rare occurrence of female crime only enhances the newsworthiness of the phenomenon and does little to deter sensationalised media reporting. Grabe *et al.*'s (2006) testing of the 'chivalry hypothesis', for example, revealed the operation of a nuanced form of patriarchal chivalry; that women offenders who committed 'feminine' crimes were more likely to receive lenient treatment in the courts or in the media, while violent women offenders (or bad mothers) were likely to receive worse (for treatment in the courts see Carlen, 1983; Hedderman and Gelsthorpe, 1997). Campaigners were asked their views on news mediated portrayals of women offenders, and what affect (if any) this had on their strategies. Interestingly, opinion was divided. Some believed that, on the whole, news media representations of women offenders tended to be balanced, although the vast majority did not.

Consistent with the conclusions of Grabe *et al.* (2006), several campaigners conceded that news media coverage of women offenders was *on the whole*, more sympathetic than that given to their male counterparts. Campaigner H provided examples of both, but felt that on balance, "using media in relation to women on the whole [you get] quite a sympathetic response. Not always, but nearly always". Campaigner I believed that;

“Particularly on the issue of very vulnerable, troubled, disturbed women in custody and issues around self-harm and suicide, [women] tend to get reasonably sensitive treatment. I think they may be seen as more deserving and not as undeserving as other prisoners... And certainly in magazines or consumer-orientated lifestyle publications, there is more sympathy for the issue than there is for serious male criminals in custody”.

Despite such viewpoints (and consistent with feminist literature), the majority of campaigners felt that women offenders were treated far worse in the media than their male counterparts. Campaigner J was unequivocal in her response, stating that “it’s extremely negative... we don’t think there is any positive coverage”. Tapping into Carlen’s (2002; see also Faith, 2011) concept of ‘double deviancy’, Campaigner F believed that “there is a sense in which women are seen as doubly deviant and that creates a lot of interest in the media, because it is so unusual”. Campaigner C believed that news media portrayals of women offenders simply boiled down to “double sexual standards. We expect them to behave better than men”. She went on to argue that “we judge them by another field, well out of the ordinary one. It’s about not being decent women...So women are confronted with these awful problems of being characterised as being lesser women, women who’ve failed”. Campaigner G was undecided, yet when considering individual cases felt that, “Karen Matthews: it’s a mother, it’s a woman, and people are shocked. There’s something around her being a woman”. Campaigner G recalled a newspaper article regarding high-profile female offender Tracie Andrews, “it was reported in the *Sun*<sup>18</sup> that she was on day release, accessing one of the services that we were actually funding. And that was seen as a terrible thing, rather than actually reintegrating someone back into society when she’s coming up to the point of release”. While some campaigners worked to challenge media stereotypes, there was pessimism about the likelihood of this occurring. Highlighting an example of “ignorant” journalism, Campaigner D recalled a stereotypical story in a local newspaper “that Blackpool women’s centre was running head massage classes for prisoners... But that was all that you saw, that’s all they pick up and so it’s a totally ignorant view”. Those campaigners that worked with journalists admitted that it was hard to get them to move on from the ‘same old questions’ about women’s offending, with mediated discourse routinely

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<sup>18</sup> ‘Evil Andrews’ days out of jail at anger control centre’ *The Sun* 24 September 2001

framed using sexist urban myths. The continued use of sensationalist and distorted representations of women's offending by some journalists led many campaigners 'not to bother' with media work. One 'dispossessed' campaigner simply concluded that media work just isn't "an avenue that you can use".

With some campaigners viewing the media as a 'non-compliant partner' (Hilton *et al.*, 2013), others understood the landscape to be far more complicated. Despite the above comments, Campaigner G believed that drawing hard and fast distinctions about media representations was a dangerous exercise. He did, however, concede that "some female offenders do [get treated worse]... because of traditional gender stereotypes and assumptions... Certain assumptions may come into play about motherhood and traditional roles... [But] you have to be careful about drawing conclusions, because I think it's complex". Highlighting the news media's dichotomous understanding of female offenders as 'an evil woman or a poor thing' (Berrington and Honkatukia, 2002), Campaigner I viewed two *contradicting* trends occurring simultaneously: "one is the very vulnerable, mother, poor, mental health problems and addiction and that trend runs very strong. But surprisingly perhaps there's another current which is the women should know better current... So I think there are two trends... even in the same media". She went on to describe media coverage as "really vulnerable or really terrible... and there's not a middle of the road", conceding that it was "maybe broadly the broadsheet, tabloid split".

It is clear, therefore, that some campaigners place substantial blame at the door of the news media for alarmist coverage that does little to further their humanitarian cause and may actually encourage punitive attitudes. Yet while unhelpful, it is not possible to categorically state the extent to which 'ignorant' journalism actually inhibits penal reform. It is, however, clear that constituting the main channel of public information about crime (Hobbs and Hamerton, 2014; Marsh and Melville, 2014), some responsibility for distorted reporting must fall at the door of certain newspapers. Wary of this, it is easy to understand why many campaigners have preferred to operate out of the media spotlight, and have not actively sought to gain press attention for their claims. Many simply wish to operate 'under the radar', yet others have gone further and called for greater 'reform by stealth' (discussed in section v.).

Despite the negative backdrop described by some, interviews revealed that media work is still considered important by others. Considering the role of the media in the process of reform, the following two sections will discuss the different strategies employed by campaigners in

more detail, beginning with the difficulties they experience in attempts to influence the metaphorical 'onion' of the media agenda (McCombs, 2014).

### iii. Campaigners as News Sources

It is clear that claimsmakers seeking to gain publicity do so for many reasons. In focusing more attention on their claims they may recruit more funding, yet coverage in the media also improves legitimacy in the policy process, and the ability to exert greater pressure on policymakers (Tichenor, Donohue and Olien, 1980; Berry, 1999). 'Success' for political actors wanting such public conversations may therefore ride on their ability to penetrate the metaphorical media 'onion' (McCombs, 2014), and shape the newsmaking process in an attempt to influence public opinion and policymakers (Blumenthal, 1980; Cook, 1998). One former journalist-turned-campaigner (Campaigner K) was clear that "the media have to be part of any strategy. I don't think you can ignore the media. I think using clever tactics, playing the game with journalists, being savvy, is part of getting your message out there and part of achieving the momentum for change". It is clear that as campaigners have become more professional, many have devoted increasing resources to media work (Hilton *et al.*, 2013: 147). Drawing on his past experience in journalism, Campaigner K acknowledged that "there are some organisations that are more media savvy. *The Howard League, Prison Reform Trust*, they certainly want to get their name in the media, they want to have conversations with journalists and they want to help them. It's a two way process". A key issue for smaller organisations was the "greater suspicion and greater fear" due to "a lack of knowledge about how to engage and they don't know how to build relationships with journalists". Campaigner K believed that media coverage was dependant "on the nature of the organisation, the size, the resources, what their focus and purpose is... Some organisations have recruited... former journalists and that makes a big difference". This section will outline some of the difficulties faced by campaigners in their attempts to influence the media agenda, focusing on issues of media disinterest, resources and moral dilemmas.

### *Lack of Media Interest*

There was a widespread recognition among campaigners that the issue of women's imprisonment (and the need to reform it) was not considered newsworthy by the vast majority of journalists writing about crime and home affairs. Unsuccessful attempts to penetrate the metaphorical 'onion' and influence the media agenda (McCombs, 2014) were widely articulated. Campaigner F explained that a persistent barrier to media coverage was down to journalists' *disinterest* in policy stories about prisons, and that "you've really got to fight as a penal reformer to get something of your agenda into the public domain". Campaigner F explained that media strategies involved things like "using celebrities quite a lot, engaging younger celebrities to get them to talk about prisons. But it is difficult". Working against the dominant punitive crime-media paradigm was a difficult task for campaigners seeking to articulate their 'counter-claims'. Campaigner L was clear that "the reality of the general unpopularity of the issues around prisoners presents a serious limitation to any promotional initiative or activity, [and] these are further undermined by the perception of 'criminals' and by the general lack of interest". Recalling the 'old way of doing things', Campaigner K (a former journalist) explained that:

"Back in the 80s they'd get a press release and go down Fleet Street and literally just put them through the letterbox with a fair assumption that it would be in the papers the next day. Well it doesn't work like that anymore, there's been a shift to cover more lifestyle journalism, less hard news and I think the sector lobbyists, campaigners don't understand that as a result of that they need to work harder to build relationships with journalists. So it becomes more of a challenge for them. They can't just write a press release, put it on an email and hit send and assume that they'll get it in the newspaper. Most journalists hit the delete button".

Highlighting the limits to the 'carrying capacities of institutions' (Hilgartner and Bosk, 1988), Campaigner K believed that achieving media coverage was getting harder; "because papers now don't run as many stories [on prison] as they used to. OK you can get things online, but you can get saturation with how many stories they'll take about prison, prison reform or criminal justice reform. So I think it's hard and campaigning organisations are seen as rent-a-quote, same old thing". Questioning the effectiveness of campaign strategies in the current



climate, Campaigner E tapped into the concept of newsworthiness and concluded that “it’s almost like the way in which we’re doing it, isn’t the way to be doing it anymore because it’s going on deaf ears, it’s not being heard”. Consistent with the news values described by Chibnall (1977) and later Jewkes (2004), she conceded; “it’s not donkeys, it’s not children, it’s not attractive, that’s the bottom line. People don’t want to know”. In line with such viewpoints, Campaigner I believed that strategies to gain media coverage needed to become more dynamic. Alluding to the importance of framing as an important rhetorical strategy, she believed that it was “a responsibility for us in the sector to think ‘why are we not getting heard?’ and actually maybe we need to write a really well-written letter to *The Times* rather than send out a quote... So I think it’s about telling the right story in the right way”.

### *Resource Issues*

To Thrall, (2006: 417) breaking through the resource barrier to entry in the ‘marketplace of ideas’, looms as the most critical step for claimsmakers seeking to play a role in public debates. News capability, or the ability to have a presence in the media, takes significant organisational resources, and it is clear that many penal reform campaigners simply do not have enough of them (Thrall, 2006: 410; see also Schlesinger, Tumber and Murdock, 1991). Larger, more resource-rich organisations had clearer communicative strategies and employed press officials to help improve their media presence, whereas smaller organisations (or lone campaigners) described extreme difficulty in their dealings with the press. Such campaigners demonstrated either a lack of knowledge about the news production process or a fear about how to interact with journalists. Others endeavoured to work with journalists, but were at an institutional disadvantage when compared to the larger organisations. Campaigner E, for example, explained that unlike other, larger campaigning organisations, she had no dedicated media or communications staff to follow up requests or ensure a continuing presence in the media;

“We are called a lot by journalists, by television, by radio, we’re called by a lot of people. Now what keeps happening to us is that we are called to gather information, but we are not used as the quote. So we are a great resource [to journalists], but because we don’t have the resources to follow it up, [we are not getting quoted]. Because I’ve got no PR, no media team. So consequently when someone phones up and says ‘how’s the LASPO Bill going to impact on women?’ I give them information, I talk them through it,

I give them our stance. I could spend an hour on the phone doing that. And then that's it. And then a fantastic article will come out, and there will be no name, no quote from us".

Conceding that "it could be because we're not pushy enough" she highlighted the "key people that get mentioned. But they can be in an article that we've actually fed-in an enormous amount of information [into], but we're not mentioned". Aware of such issues, she admitted "we are actually looking at this. Our media, our media response, and why we aren't mentioned". Due to the limited number of stories that news publications are prepared to run on the generally un-newsworthy subject of penal reform, it is clear that a few campaigners are routinely quoted at the expense of others. Operating in larger, more established organisations, they are able to work with specialist media and communications staff to improve media coverage. Smaller, less established or less well-known organisations consequently struggle to get their voices heard in the public sphere.

#### *Moral dilemmas*

Highlighting the dilemmas faced by some 'prisoner groups', those who find it difficult to 'break away from an insider relationship because they may be dependent on government assistance' (Grant, 1989: 16), Campaigner D described the "need to be seen as not too critical of government". Campaigner K was clear, however, that such a situation meant that some campaigners "risk not giving quotes or comments in the media that are sufficiently punchy or that are going to make good copy". In such cases too much publicity can be dangerous (Miller, 2010: 128) and campaigners can find themselves effectively 'gagged'. Campaigner E admitted that it was "a really fine line, because if we make the decision to go right out there... we would still be funded by seventy per cent of our funders, but we would lose thirty per cent at least. If we were to be that controversial, it would possibly affect our access to prisons. And what we have to do is weigh up supporting the women and providing a vehicle for a voice for them".

It is widely acknowledged that the representation of crime largely focuses on specific cases rather than wider debates around *causes* (Greer, 2013: 146, emphasis added; Rock, 1973; Greer, 2012). This discursive space leaves little opportunity for readers to 'fully appreciate, understand or interpret the implications of events' (Greenberg, 2002: 194) and wider social problems. It also provides a serious obstacle to campaigners who want to talk in

terms of policy, and not personality. Some campaigning dilemmas related to the decisions faced when deciding whether or not to allow journalists direct contact with their service users. Consistent with the key news value of 'personalisation', Campaigner E was aware that:

"Crappy magazines, tabloids, they want women. And we're really protective over them. And one of the reasons why I think it's hard for our sector to get coverage is because we are so protective over our clients, and they are so vulnerable. The press come to us wanting a woman. They want their voice, they want their picture. The general public will listen to a life story. Without the actual woman, the media don't want to know".

Routinely refusing journalists access to "the women", Campaigner D admitted that "quite often we're turning them away". Such a strategy meant that her organisation received less media coverage than may have otherwise have been the case.

#### iv. Media Strategies: Proactive and Reactive

##### *Proactive Strategies*

A major research preoccupation of this study is to investigate how penal reform campaigners attempt to use the news media to influence the policy agenda. While a primary tool of contemporary lobbying is the use and manipulation of the media (Hobbs and Hamerton, 2014: 72; see also Peele, 2004: 353), this is clearly dependent on the subject matter at hand. That the media can act as important sources to publicise the issues of pressure groups (Hobbs and Hamerton, 2014: 5) is widely recognised, but this is not universally operationalised.

Interviews revealed that those campaigners that did wish to influence the 'fund of ideas' (Price and Tewksbury, 1997: 177) attempted to do so via opposing strategies. Some campaigners were aware of the importance of having a few key messages rather than attempting to 'do everything', while others adopted more of a scatter gun approach. Some sought to develop better relations with journalists (which usually meant a deepening of relations with the 'usual suspects'), while others (in the minority) explained that they explicitly targeted those who were not considered traditionally sympathetic to the agenda. Influencing

public opinion was a concern for several campaigners, yet this seemed to be a secondary concern for most; given limits on resources, communicative strategies mainly focused on work to contact the elite opinion formers in politics and civil society. During discussions of such strategies, several major themes emerged. It became obvious that penal reformers had clear targets for media work; that they perceived their legitimacy would improve through increased media coverage; that they sometimes engaged in deliberate framing strategies; that they appreciated the 'newsworthy' need for human interest stories; that some understood the importance of not targeting the 'usual suspects'; and that some were keen to build relationships with journalists'. Drawing on relevant theoretical literature, this substantive section will explore each of these themes in turn.

### *The Targets of News Coverage*

Schlesinger and Tumber's argument that 'media strategies by pressure groups are... strongly centred on elite media as both educative vehicles and as a *means of communication with opinion-formers*' (1994: 104, emphasis added) was evidenced throughout the interview process. While some campaigners were understandably wary about divulging this strategy, others were more upfront. Campaigner K believed that;

"A lot of these organisations want to be able to be recognised for punching above their weight and the media is a vehicle to enable them to do that. I think they are primarily trying to get into the media to try and influence Whitehall and Westminster, so whether that be MPs, Peers, civil servants, SpAds [Special Advisors], Ministers and people in and around Ministers".

The vast majority of campaigners confirmed that the main targets of their media work were not the general public, but the politicians and policymakers in Westminster and Whitehall. Campaigner A simply stated, "if you want to influence Ministers, then you want to get the front page of *The Times*". Campaigner D explained that "because we don't have the resources or capacity to change public opinion, we wouldn't even attempt it... So we would target the media to influence people who can make a difference, specifically on the issues we're working on". As far as she was concerned, media work aimed to provide "a marker, or waving a flag or saying 'look, this is what we're doing' and making sure that the wider political world is aware that we

are concerned about this issue”. Campaigner A described media work as a “game”, because “the decision-makers also read the press and also sometimes you’re playing a game which is about trying to expose something a policymaker needs to make a decision about”. Describing media work as “a double-edged sword”, Campaigner A went on to explain that;

“You need to get media coverage to show politicians that there is an issue, or civil servants, the people making decisions. So you want media coverage, not because you’re necessarily talking to the public, because quite honestly we don’t have the resources to campaign in that way, and frankly I don’t care what they think. They’re not the people making the decisions”.

The news media was consequently viewed as a “conduit to other people, and it’s a pincer movement if you like”. Campaigner M saw media coverage as important to “reflect the public views back at Ministers, so the one thing we do is polling...there are things you can do by trying to influence attitudes to ensure there is a more accurate reflection of public opinion which is fed into public debate”.

#### *News Coverage and Political Legitimacy*

While media coverage was largely viewed as secondary to the activities that take place in Westminster and Whitehall, campaigners did however acknowledge that an improved media presence could mean improved legitimacy and improved chances of a greater stake in the policy process. The issue of being considered as legitimate with politicians and policymakers was a reoccurring one, and campaigners saw it as giving them a ‘seat at the table’ and bigger stake in the policymaking process. Many found that a higher media profile certainly helped their lobbying power. Campaigner H explained that “we’ve got influence, and that is partly through media... I learned really quickly that when you do get profiled in the media and your charity is profiled regularly, then when you want to see a Minister, a Minister agrees. You know, that’s how it works”. Campaigner I similarly stated that media coverage “absolutely has that other benefit which is to influence, it helps if they know who you are, and a good charity with something interesting to say. So we definitely found that as our media has gone up, our ability to influence has gone up”. She recalled “examples of when we put a letter into *The Times* on an issue, and a few days later got a phone call about that issue”. Campaigner K recalled an

instance when his organisation “bought out a report, and it got about five or six paragraphs in *The Guardian*. But officials came back to us and said this was bought to our attention because the Home Secretary at the time, David Blunkett heard that story, and wanted to know what was going on... So if you make a politician ask questions then through coverage in the media you’re going to begin a process of trying to deliver policy change”.

### *Strategic Issue Framing*

As highlighted in chapter two, one of the best documented methods available to claimsmakers is to structure their issues through a process of framing (Terkildsen, Schnell and Ling, 1998; Kitzinger, 2000, 2007). By framing their messages in easily comprehensible ‘shorthand’, claimsmakers are able to ‘define the gist of the controversy for the public, the media, and other key political agents’ (Terkildsen, Schnell and Ling, 1998: 47) and influence the ‘accepted truths’ about a social problem. Yet this is no straightforward task. Engaging in a process of strategic information management requires political actors to make comprehensive decisions about the organisation of a messaging structure, along with efforts to influence its subsequent reporting. Some penal reform campaigners understood the concept of framing and were aware that they needed to stop saying ‘the same old thing’ and focus on telling the story in the ‘right’ way. By no means a universal strategy, the right way for some meant framing their messages in ways that were more likely to resonate with those who were traditionally unsympathetic to the agenda (adopting more punitive frames), although the general picture that emerged was a haphazard one. Appreciating that they needed to be opportune when it came to coverage meant that many campaigners gave less thought to the strategic messages that they wanted to pursue. Some engaged in a confusing scatter gun approach, which acted to blur the key points that they worked to articulate. Interviews revealed that campaigners working in this area pursued a variety of rhetorical discourse aligned to Rutherford’s (1993) *punitive* ideology (Campaigner N, for example), *humanitarian* ideology (Campaigner E, Campaigner D and Campaigner J, for example), and combinations of all three (including the ideology of ‘*efficiency*’; Campaigner A, Campaigner H and Campaigner F, for example).

Engaging in a process of *strategic frame alignment* (Snow *et al.*, 1986), Campaigner F was keen to stress the importance of messaging for campaign success. He explained that “we’ve tried to work out better what some of the key messages were that we were trying to get across.... And so it was about trying to find a way of reconnecting penal reform with values

that people would go, actually I support that". Campaigner N similarly talked about the need for some "very, very clear messages" and underlined the importance of not getting "distracted talking about things which you then shoot yourself in the foot [with], but you stick to what it is you want to say". If some sections of the news media are able to act as an impediment to progressive penal policy for women, campaigners operating in this area must pursue claims to counteract the 'landmark narratives' (Best, 2013: 144) that have tended to dominate discussion about women's penal policy. Describing the challenging task of working against such entrenched templates, Campaigner C believed that "the people who are arguing for reform have to become better at showing the stories of women making good....I think we've got to do a better job ourselves of breaking down the stereotypes, of telling the story".

Some campaigners were critical of those who they believed over-relied on traditional humanitarian rhetoric. While Campaigner A believed issue framing was an important strategy, she was "quite careful not always to portray women as the victim, even though that is often the case". Campaigner I similarly cautioned that "there is a danger that if you paint people as victims that turns off some groups who don't like that message". Such viewpoints are consistent with Altheide and Coyle's (2006) notion of 'smart on crime', which calls for 'savvy' campaigners to filter or frame accounts through a 'tough on crime' or punitive rhetoric. Believing that such messages would be more successful with journalists and policymakers if framed within the dominant media-crime paradigm (see Wallack *et al.*, (1999; Johnson-Cartee, 2005; Gramsci, 1971), Campaigner N believed that colleagues needed to;

"Stop this constant focus on women as victims. We know they're victims, but the language that some people use is very alienating and inappropriate...constantly focusing on the terrible upbringing of these women. Yes it's very important, but if you want to bring government with you, and the media, there has to be a better balance. And constantly wheeling out women to tell their dreadful stories doesn't always work".

Richardson (2000: 1011) has argued that policy entrepreneurs frustrated with progress may seek out alternative 'venues' in attempts to influence the policy agenda. This could involve an abandonment of reliance on one restricted policy community in the search for other ways to 'shift' the discourse (Richardson, 2000: 1011), for example. Campaigner K described the pressing need for others "to think more carefully about... how you frame messages, and how

you understand the importance of framing, how you need to have a political frame, an economic frame, a cultural frame”, and how campaigners needed to be “more intelligent about how they engage, and learn lessons from other places where they’ve managed to frame things in a different way”. Describing a process of *frame extension* (Snow *et al.*, 1986: 472), Campaigner E (in direct contrast to the discourse pursued by Campaigner N) was already operating in other policy domains (such as the *UK Feminista* lobby), because “if you take away the criminality it gets heard, it’s a social justice issue”.

#### *‘Personalisation’ as a Key News Value*

Appreciating the journalistic news values that are a prerequisite for coverage, Campaigner A spoke about the need for ‘human interest’ (Best, 2013: 132) and to try and “relate” stories, because “the chances of somebody knowing somebody, a woman in prison, is very small”. Alluding to a process of *strategic frame alignment* (Snow *et al.*, 1986), she went on to explain that “one of the reasons we chose arrests of girls [as a campaign] is because actually you might know... [someone who has been arrested]... when I was talking to a journalist... and I said we were going to do something about arrests, he said ‘Oh my daughter was arrested recently’. So that is why [that channel] did something about arrests of children”. She went on to explain that “everyone knows someone who has been arrested, so even if you’re talking about girls or boys, it’s a way of having the conversation. So you’ve got to find different ways to have the conversation”. Adopting a similar strategy, Campaigner F also raised the importance of ‘personalisation’ as a key framing objective. As far as he was concerned, successful rhetoric meant “humanising the people that were sent to prison”;

“It was about getting stories about individuals so people could say; well that’s like my daughter, that’s like my son, like my brother, my husband, my father. So it was about trying to humanise these monsters that were called prisoners. So it’s about constantly reminding readers or viewers that the people that we’re locking up are just like us”.

Campaigner H agreed that personalisation was crucial, and that she used any avenue to “make people understand that you’re talking about people and not another species. It’s a closed system, very few people see inside prisons. Everyone’s got their view about what it’s like”. Campaigner H pointed out the importance of utilising “former offenders who are happy and



willing to talk to the media. That's important in terms of getting points across in a way that people can relate to and understand".

### *Not Targeting 'The Usual Suspects'*

Unsurprisingly, interviews with campaigners revealed that the primary focus of media work was focused on the liberal broadsheets, although some did attempt to work with right-leaning broadsheets and tabloids. Tapping into the dominant punitive or 'tough on crime rhetoric' (Rutherford, 1993; Mills and Roberts, 2011, 2012) was considered strategically important by several campaigners. Campaigner N worked hard to influence those traditionally unsympathetic to penal reform. She argued for the need to "get people who are not the usual suspects to buy into your argument. Because if you don't, then you're just talking to the same old people and nobody listens". Her sentiments were reiterated by Campaigner H who similarly admitted that "you don't want [to work with] the usual suspects". Campaigner M confirmed that his organisation had "an attitude where we try and reach out to areas where traditionally, perhaps you wouldn't expect us to. We would want to get coverage in the tabloid papers". He went on to explain how the organisation had "worked with *the Sun*... we launched a joint poll with *the Mirror*... Because you can't just write off large sections of the reading public". He admitted that while some publications "may have a certain editorial agenda, there's pockets, even in the tabloids, of people who get it. And you need to work with them and ensure that your point is across". Campaigner N believed that her main challenge was to get the media to "address the issue in a different way". Tapping into more punitive or managerialist rhetoric she argued that:

"The way you do it is sometimes that you've got to be counterintuitive. Where we've done this for instance is that we've got a right of centre journalist to come on board, and I talk to right wing MPs, because if I don't, then I'm just talking to people who agree with me. So the key is to have a messaging structure that doesn't just irritate and annoy the people you are actually trying to get on board, at least to listen, you're not going to get them all to listen".

She admitted that the "aim is to get as much as we can into *The Telegraph* and *The Times*. If eventually we can ever get anything in *The Daily Mail*, I'll retire!" Campaigner J agreed that "if

you can get something compassionate into *The Mail* that is really what you want. In one sense, you don't need to get anything into *The Guardian*". Such viewpoints were echoed by Campaigner F when he explained how he took a conscious decision to stop writing for *The Guardian*, "because everybody accepted what I was saying really, and [I tried to] find a new way of saying those things, but in *The Daily Mail*.... I did move from talking about things in a kind of clubbish way... to suddenly having to find... the buttons to press that would engage with middle England". Switching messaging structure, he was actively moving away "from simply talking to Hampstead liberals, people with titles, and ladies with hats who ate cucumber sandwiches". Campaigner I admitted that she did not have "such a clear strategy for targeting right-wing media", but described how she used different news outlets for different issue frames; "If we've got a story we'll definitely think first, who is this best for? And sometimes that's actually the right wing media, sometimes it's *The Guardian*, and it just depends on the story and who you're trying to reach".

#### *Building Relationships with Journalists*

Many non-governmental organisations have long understood the importance of courting effective working relationships with newspaper editors and journalists (Hilton et al., 2013: 150), and several campaigners talked about the need to maintain such friendships. Good relations could improve access to the media agenda (McCombs, 2014), which remains a challenging task for many. Yet relations of this nature are not necessarily straightforward, and come with an implicit requirement to play by 'the rules of the game' (see Charron, 1989). Campaigner K stressed the need for colleagues to be "savvy" when operating in this way. Raising the issue of "brown envelopes", he admitted that "[it] is potentially quite a dangerous game and it's difficult to make those judgments. And it's difficult to have the confidence and be savvy enough to know how to operate in that space... it's a game and they don't know how to play that game". Despite this assumption, many campaigners (albeit from larger, more established organisations) were clearly aware of the risks emanating from such work. Campaigner H recalled that a journalist once asked her "where are the brown envelopes?", but she believed that "leaking emails or letters is a bit silly and it's very hard to get it right, and I don't want to be bothered with it. So we just don't do it. We don't reveal our sources".

Appreciating the importance of building relationships with journalists Campaigner H admitted that "it helps when you know the press because you can talk to people you know".

In contrast to the viewpoints of others who believed that journalists were not interested in penal reform, she believed that it was possible to permeate the media 'onion' (McCombs, 2014), and "as long as you maintain a good relationship with them [journalists], they will give you the opportunity to talk or write something for them because there's so much space to fill". Being helpful to journalists and assisting with their 'information subsidies' (Gandy, 1982) was seen as a particularly effective strategy in this reciprocal relationship. Campaigner M reiterated the point that "any sensible person builds relationships and works with people who are going to do a good job in promoting what we want to get out there". Campaigner G confirmed that "it does come down to relationships, and it's a bit of give and take. If you're willing to provide comment when they need it, then when you have a report you want to launch, they may be more willing to write it up. I think it's important to be helpful where you can be". He believed that his organisation was savvy from the "top down" and that this facilitated "good relationships with key journalists". While journalists' sympathy toward an organisation's cause may not be a prerequisite for receiving mass coverage, Terkildsen, Schnell and Ling (1998: 49) have argued that it is a factor that comes into play when portraying a group's beliefs or characterising its spokespersons. One campaign group benefits from having a journalist on its Board of Trustees and while this is clearly an advantage, it has not resulted in increased coverage.

Recalling her interactions with one journalist who was sympathetic to the reform agenda, Campaigner E highlighted the importance of cultivating relations and "sitting really tight" to them. She was, however, clear that "you can never forget they're a journalist because it's a risky, dangerous, dodgy world". Consistent with literature documenting the importance of journalists' personal values to the final media output (Gans, 1979), she went on to explain that "the danger about the media, [is that] you have the journalists [personal] opinions within it. Yes they're going to run the story that's going to get noticed and published, but within that there is their own opinion". Such a viewpoint is consistent with Best's (2013: 128) concept of 'secondary claims', where journalists take original stories and transform the messages into their own newsworthy packages. Campaigner B believed that a major issue boiled down to a general ignorance among journalists and lack of responsibility for the issues that they were reporting. Taking a few "sensible" journalists into his confidence and briefing them directly, he believed that if "you treat them as adults, they'll treat you as adults and so I was always open to them. And I wanted to meet them and get to them and then educate them".

### *Reactive Strategies*

Successful reactive strategies require organisations to respond swiftly to items in the news, offering journalists an alternative take on the topic of discussion (Hilton *et al.*, 2013: 154). Opinion was split on this type of work. When asked about such strategies, campaigners provided contrasting viewpoints, from those who routinely responded to all media requests to those who were much more wary about engaging. Citing exploitation as a major reason as to why they did not cooperate, some explained that they did not wish to be constantly recognised for balancing quotes in high profile cases. Having been mis-quoted during past experiences, many campaigners were only willing to work with those journalists that they deemed to be ethical or sympathetic to the reformist agenda.

### *Responding to Media Requests*

When asked about reactive media work, Campaigner H was clear about the need to “always respond. Always say we don’t comment on individual cases, but then we’ll say, for example Maxine Carr, [we are] able to talk about her experience of prison, resettlement, stigma... and to do all that just off the back of a request”. She went on to explain that some of her media strategies were learnt from politicians, and that “people like Ann Widdecombe will never say no to the media, will do anything, and actually, it’s really impressive. And that preparedness to just go for it is actually a really good policy”. Campaigner G explained that part of his role was to try to be “as helpful as possible, because obviously it’s a reciprocal relationship. If we’re constantly turning down media calls then they’re not going to call us. And that makes it all the more difficult when we want to do something a bit more proactive, a report launch or something like that”. It is clear that resources play a key part in the ability to respond promptly to journalists’ inquiries. Campaigner M confirmed that he tried to “respond to everything if we can. We do get a lot of calls, and it can be quite a challenge to meet that demand”.

### *Opportunism vs. Exploitation*

Operating on the periphery of the media agenda and acknowledging that they could not control bad press, several campaigners talked about the need to exploit media opportunities whenever they arose. For those struggling to penetrate the metaphorical media ‘onion’ (McCombs, 2014), such claimmaking opportunities were vital. Campaigner H said that she

tried to comment on “anything and everything”, and that “you can catch opportunities. Come in on the back of a story, make some comment”. Campaigner A similarly noted the need to be opportunistic, “if there’s a case we can use or if there’s an issue, I’ll get it in there. It’s not very strategic, but it’s you know, opportunistic”. Despite serious financial constraints preventing her from engaging in large media campaigns, Campaigner E spoke of the various opportunities that she had been able to accept, one of which being consultancy work with Yorkshire Television (for the television series *Bad Girls*), “because that’s another way of ensuring that when something is going on the TV, that is factual”. While others commented on ‘everything’, Campaigner I spoke of her selectivity when deciding which issues to respond to; “if we get known for speaking on everything, especially in the criminal justice system, then you’re not heard on anything, and you lose your distinctive voice, so actually sometimes it’s better not to comment, even if you broadly agree or broadly disagree because actually it’s not something your members are passionate about”.

Viewing the news media as a ‘non-compliant partner’ (Hilton *et al.*, 2013), many campaigners described instances where they felt they had been or were likely to be exploited, often through the process of ‘secondary claims’ (Best, 2013: 128). This had made some wary of responding to future media requests and added complexity to their communicative strategies. Describing this situation, Campaigner A explained that;

“If it’s a case where there is likely to be a lot of nasty publicity, they (journalists) want to balance it. So I’ll get the shock jocks or *The Daily Mail* saying “Oh we need a quote to balance it”. We tend not to comment then, because you’re getting exploited. They’ll do a nasty article of 2000 words and at the end they’ll say [X organisation] says...” and you look like an idiot because it’s quoted out of context and it just looks silly. So we tend not to comment on individual cases... unless we can do something more considered”.

Working to disassociate her organisation from some of the ‘landmark narratives’ (Best, 2013: 144) surrounding the most high profile cases, she went on to stress that “you don’t want to always comment when someone has done something horrendous”, because “the organisation then becomes associated purely with talking about and appearing to defend the most horrendous actions by the most extreme cases. We try to have conversations in the media

about our own issues in our own way". Comparing her media work to a "battle", Campaigner N believed that "it's very good to go on [television or radio programmes] because it sharpens you up. You've got to put yourself out there. If you constantly sit in the trenches and never put your head above the parapet then you're never, never going to face the enemy". She believed that instead of relying on traditional penal reform messages, exposure to more punitive attitudes and undertaking "hostile" media work was a good exercise, as "you've got to get out there and be prepared to be shot at".

The issue of *trust* was a major reason why some campaigners were wary about responding to media requests, because media access does not always guarantee favourable coverage (Terkildsen, Schnell and Ling, 1998: 49; see also Best, 2013). Lacking *control* of their released information was highlighted by several participants. Campaigner I explained that she would "turn down things that don't seem well intended, that don't seem interested in the debate or a fair hearing". Feeling that journalists routinely distorted their original messages (through the formation of more newsworthy 'secondary claims', for example), many displayed tendencies of what Best has described as claimsmaker 'dispossession' (2013: 141). Campaigner D explained that "we would want to engage with the media, but the issue is always about you can't control what they do with what you give them". Campaigner J confirmed that people in her organisation were "quite guarded, people have had really bad experiences... Here, traditionally, people have not wanted to speak to the media at all". Tapping into the above concepts, she went on to explain that "you don't always get the message across in the way that you want". Campaigner E similarly agreed that, "I can give a chunk of really good information and it will be chopped to bits, and it is then out of context. It's not something that I've said, then. And then it's completely not got the impact or the power". When asked if this put her off from accepting future media requests she admitted "yes it does... To have a quote made up, that wasn't something that I said, despite all my effort, you just think, hold on a minute!" Campaigner D believed there was "a general feeling that if we were working with people who we could trust, and who were ethically sound in terms of what we're talking about, then we think it's actually quite a good thing". Differentiating between news publications she added;

"I'd certainly have no problem with *the Guardian, Times, Telegraph, Independent*, the quality press. And you can be done just as easily by them as you can by anybody else,

but I actually feel there is a more ethical connection there. I would probably be slightly more concerned with the red tops, although having said that, there was something, I can't remember which one it was now, *The Star* or something, their magazine, they did a really good piece on women offenders”.

It is therefore easy to understand why, given their previous negative experiences with journalists and the obstacles they encounter when attempting to pursue their communicative strategies, most campaigners expressed defeatism about media work. While several have cultivated extremely good working relations with journalists (mainly working for the left-leaning broadsheets), such journalists often have little influence over a subject that has limited newsworthiness. As a consequence, many campaigners have chosen to focus their efforts and resources on more traditional forms of private lobbying or what Best (2013) refers to as ‘insider claimsmaking’.

#### v. Private Strategies

The empirical evidence presented in this chapter has confirmed that despite working towards the same overarching goal, penal reform campaigners have diverging opinions when it comes to media strategies. Some are keen to engage in the public sphere and clearly want to be part of the public conversation. Others, possibly due to resources, fail to get adequate coverage even when they seek it. Then there are those that, perhaps due to the vulnerable client group that they represent, or perhaps due to the nature of their funding streams prefer to focus their strategies under the radar. The final section of this chapter will discuss their work *away* from the media spotlight. Considering Best's (2013) model of ‘insider claimsmaking’, campaigners were asked about the nature of the relationships that they sustained in Westminster and Whitehall and the resources they placed on seeking to influence change through such channels. Consistent with the Best's assertions, interviews revealed that not all campaigners wished to court media attention, and even those that did viewed such work as secondary. Some went even further and called for a greater focus on stealth strategies, believing that the subject was of limited interest to the general public anyway. Most campaigners, however,

viewed such strategies with scepticism. Aware that operating such a way was risky, they understood the importance of publicising their claims, however limited this was in practice.

Marsh and Rhodes (1992) argued that policy is not made in the electoral arena or in the gladiatorial confrontations of Parliament, but in the 'netherworld' of committees, civil servants, professions and interest groups. It is, however, practically impossible in reality to truly appreciate the personal relationships and meetings that take place behind closed doors (see also Whiteley and Winyard, 1987). Despite receiving anecdotal evidence about the nature of campaigner-policymaker relations, it was difficult to elicit such information from campaigners who, adhering to the 'rules of the game' were keen to protect their status as insiders. What was clear, however, was that several individuals had worked extremely closely with the government from the late 1990s and during the formulation of the Corston Report in 2007, whether they chose to divulge such information or not. While work of this nature is shrouded in secrecy, it is possible to deduce a fairly clear picture of the types of activities that campaigners undertake.

Interviews revealed that the everyday lobbying activities of penal reformers had changed very little since the 'platonian guardians' (Loader, 2006) operated in the corridors of power over half a century ago. Consistent with their insider status, it is clear that campaigners had regular contact with Department officials, were on the regular list of consultees and often received advance warning of government policy proposals and announcements. While some campaigners believed that they had a considerable stake in the policy process, others were more realistic about their position. Consistent with Grant's (1989) typology, and in addition to the activities of 'high profile insiders' outlined above, interviews revealed the existence of 'low profile insiders' who wished to push for policy change in the private confines of Westminster and Whitehall. Interviews also revealed that other campaigners operated as 'prisoners', and felt that engaging in media work could jeopardise their funding channels. Whatever their status, it is clear that strategies to influence change by traditional, private methods remain the main focus for penal reformers. This may come as a surprise to those commentators that purport media work as the most important strategy in contemporary campaign efforts, but it is clear that communicative strategies will only be effective when supported by journalists. Viewed as mundane and lacking newsworthiness, those campaigning to reform women's penal policy consequently pursue the majority of their strategies in private.



### *Working 'Under the Radar'*

A central focus of this study is to question whether the news media constitutes a distinct *stage* or *pivot* in the penal policymaking process or if there are times when it is, or would ideally be, bypassed. Hilton *et al.*, have argued that lobbying is at its most effective when it has been combined with strategies that enrol a mass audience (2013: 145). Yet this strategy may not apply to the relatively unpopular and un-newsworthy 'lesser social problem' (Hilgartner and Bosk, 1988) of women's imprisonment where media outlets have often shown themselves to be a 'non-complaint partner' (Hilton *et al.*, 2013). Operating as insiders, most campaigners confirmed that private strategies and traditional lobbying were their main strategic focus. Campaigner J confirmed that her organisation worked completely "behind the scenes", and that the lack of media coverage was a strategic decision (although resources also played a part). Her aim was to "influence decision makers behind closed doors. We're trying to influence the prisons and the Home Office and NOMS, the Ministry of Justice, the UKBA, MPs". Campaigner D had a similar focus on Westminster; "we're certainly trying to influence policymakers and strategic thinkers, we're not really in the public awareness or the public influencing, although we do know that's got to be done, we don't see it as us that's going to do it". Campaigner A explained that "sometimes you don't want high profile conversations; you want to do it in a different way". Confirming her insider status, Campaigner H explained that her organisation had "a number of friends, really a lot, in the civil service. Right from top to bottom". Describing her formal relationship with the government she explained that "we have a meeting with the Minister every three months...for about ten years...whoever's the prison's Minister. And occasionally it's a new Minister who says 'why are we meeting?', but actually it's useful for them too. Nobody's refused, we just have that as an arrangement". Outlining his previous experience working in the Ministry of Justice, Campaigner G confirmed that private lobbying was, "the reality that I saw on a daily basis". He explained that "with the women's policy side, I don't know if it's because of perhaps the niche nature that its seen as, actually makes that method of communication easier, so that you can do more informal briefs rather than huge public awareness campaigns". Stressing the need for campaigners to pursue close working relationships within government he believed that "the relationships which have been built from women's centres or campaigns, directly plugging into central government officials, is really strong".

Other campaigners expressed frustration regarding access, an issue that was perhaps influenced by their perceived lower status and exacerbated by changing staff in the Ministry of Justice. Campaigner E explained that “the larger organisations have an open door through the Ministry of Justice, up to government”. She believed that “there is no relationship with the Ministry of Justice in that way anymore. There is a token person who sits there who has not a clue about what’s going on. We have a meeting, but it goes nowhere”. For several campaigners seeking to influence in this way (either through choice or because they did not have the resources to work publicly), the lack of formal strategy emanating from the Department was a growing frustration. Campaigner E was, however, clear that the outward, more punitive rhetoric pursued by the Justice Secretary did not always match the private conversations with civil servants, and that officials were “not lacking in compassion, totally”. Signalling a possible change in strategy among campaigners that had previously enjoyed close personal relationships within Westminster and Whitehall under New Labour, Campaigner E explained that she had “always traditionally been of the view that what we did behind the scenes would have a bigger impact, and that anything around media was fantastic... but it wasn’t necessary to actually make change. My view most definitely has changed over the last couple of years because [of] the change in attitude”.

### *Reform by Stealth?*

Some campaigners wanted to go even further, however, and advocated ‘reform by stealth’; a concept that aims to exclude public information and involvement from the policy process entirely. When asked what she thought about ‘selling’ the policy of women’s decarceration to the public (through whatever discourse preferred), Campaigner O replied, “why do you have to sell it? Who knows about women in prison, who would notice? So if they arranged it so there were fewer women in prison, who would know? You and me and Juliet Lyon<sup>19</sup>”. Reminiscent of the Post-War ‘platonic guardians’ (Loader, 2006), and encapsulated by Green’s (2009) notion of ‘quiet high-roading’, her views entail the inconspicuous pursuit of progressive aims insulated from public scrutiny as much as possible. Such work is pursued on the assumption that the public would never approve of such adjustments were they exposed to public view (Green, 2009: 529). To Campaigner D ‘reform by stealth’ was “the only show in town at the

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<sup>19</sup> Current Director of the *Prison Reform Trust*

moment, because the politicians are so anti the idea of going public on some of the messages that they need to go public on. So therefore I think its policy change by stealth, but at the moment, they're not even buying into that". Several other campaigners agreed with stealth sentiments. Campaigner A agreed that "you could do a lot by stealth. You could close a lot of women's prisons down; you could make it quite difficult for the courts to send them to prison. You could do quite a lot like that, and the women's centres themselves have been done by stealth". Campaigner B believed the government should "just get on with it. And don't say anything until you've got something positive to tell, but don't risk being thrown off course by unfortunate ill-educated media reporting".

Others, however, took a different view. Campaigner I argued that 'reform by stealth' "underestimates the public, and that once given adequate information, many members of the public would be 'broadly supportive of women's centres". This perspective is consistent with that of Roberts, who believed that attempts to insulate the criminal justice system from a misinformed public are now seen as 'isolationist, elitist and even undemocratic' (2008). It similarly links to the work of Green (2009:529), who has referred to 'the folly of doing good by stealth', and that by keeping policy reform away from the public glare (if even for the 'right' reasons), it does not allow attitudes to be challenged, and hopefully, improved. Drawing on his previous experience in the Ministry of Justice, Campaigner G explained that "to a certain extent that's how it has been done. That's the reality really". He did, however, go on to caution that "I'm not sure whether covert methods are the best way of doing business". As warned by Green, 'quiet high-roading' entails high risks because the legitimacy of the criminal justice system could be called into question once such policies are exposed' (2009). While it is undoubtedly true that working in this way creates 'the space and cover for the administrative delivery of more moderate policy and workable outcomes' (Loader, 2010: 361), Loader has conceded that 'stealth' strategies are 'a risky enterprise riddled with 'bear traps' and the constant fear of scandalous exposure (2010: 361).

### *Women's Penal Policy on the Agenda*

In contrast to years of fruitless claimsmaking, agenda-setting can often be influenced by a 'trigger event' (Dearing and Rogers, 1996: 78), and in the case of women's penal policy the series of deaths in custody between 2003-4 provided campaigner with that watershed moment and the Ministry of Justice with its 'policy window' (Kingdon, 1984). While media attention

surrounding the suicides could be considered extremely small in the overall context of social problems, it certainly pervaded public consciousness to a greater level than had previously been the case<sup>20</sup>. Campaigners were acutely aware of the importance of getting the issue onto the policy agenda (through public or private strategies), yet in the case of this ‘lesser social problem’ (Hilgartner and Bosk, 1988), the major issue seemed to be keeping it there.

Campaigner B explained that despite an initial “boost” from the newly-elected Labour government, the Prison Inspectorate report of HMP Holloway in 1997 lacked momentum, because “frankly the interest wasn’t there amongst the journalists except when there was a sensational case I’m afraid”. Consistent with Downs’ ‘issue attention cycle’ (1972), Campaigner D explained that “Jean Corston’s report exposed something they couldn’t ignore, so they then as government identified a pot of money and a Minister, and all the rest followed”. Yet after the initial shock, “you get a two year funding package where they throw money at it, and they hope it’s going to go away. And that’s what we’ve seen. And so since that, we’ve been struggling to keep it on the agenda”. She concluded that “each time it shakes them up and they do something, you make a bit of progress”, because once a problem has ‘arrived’, some form of governmental response will always be necessary – even if the aim is a redefinition of the problem to make it disappear (Stringer and Richardson, 1980: 27). Campaigner E expressed similar frustration with the current status of women’s penal policy on the agenda, and consistent with Corcoran’s (2010) analogy of penal progress for women as ‘snakes and ladders’, she described the situation as “one step forward and two steps back”. Highlighting the importance of political ideology for policy change, she explained that;

“So we had the Corston Report, fantastic. Some fantastic recommendations, an amount of money was put in by the previous government, new projects were set up, there was enthusiasm to move forward and change and reduce the numbers of women in prison... Then we have a change in government and it just starts striding backwards. It’s like we make two steps forward, lots of research comes out, and everyone goes ‘wow yes, brilliant’. And then stop. And then go back a bit... How many times can the same thing be said?”

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<sup>20</sup> See for example: ‘Suicide levels in women’s prisons soar’ *The Observer* 3 January 2004; ‘Women prison suicides hit record’ *BBC News* 6 January 2004; ‘Shame of Styal Prison’ *Manchester Evening News* 13 August 2004

Such frustrations emerged as a major theme of this study. Conducted shortly after the election of the Coalition government, it became clear that many campaigners were adjusting to the new political arrangements and coming to terms with the stalling of post-Corston progress.

## vi. Conclusion

This wide-ranging chapter has highlighted a variety of pertinent areas relating to policy and research, including: the use of the news media by campaigners, the different strategies of information management utilised by such actors and the importance of private lobbying activities. Acutely aware of the policy environment within which they operate, campaigners have called for politicians to take more responsibility for educating the public on matters of criminal justice and penal policy. Yet in the current political climate politicians (of all persuasions) are less willing to talk in terms of rehabilitation and more likely to adopt punitive rhetoric. This punitive climate creates obstacles for penal reformers working to reduce the prison population and has implications for the likely success of certain framing strategies.

Highlighting the theoretical utility of framing theory to contemporary understandings of lobbying for penal reform, this chapter has demonstrated how the continued use of gender-stereotypes and the more rigid form of templates (see Kitzinger, 2000) by journalists is perceived as a key barrier to progressive policy change. The news values articulated by Galtung and Ruge in the 1960s, and latterly developed by Chibnall (1977) and Jewkes (2004) remain key to analysing journalistic behaviour in the field of criminal justice. While many campaigners were aware that the messages they sought to publicise were not deemed newsworthy by journalists, it is interesting that this did not result in a universal change of behaviour or a fundamental rethink of their public messages. Those choosing to pursue more right-leaning discourse consequently operate in the minority. This chapter has highlighted that the PR strategies employed by penal reformers operating in this territory have changed very little since Schlesinger and Tumber's empirical investigation into criminal justice source-media relations in the 1990s.

McCombs' (2014) theoretical conceptualisation of the media 'onion' is also of use to illustrate the obstacles experienced by penal reformers working in this domain. With limited capacity to penetrate the media agenda (and often framing stories at a considerable

ideological distance to those working for the right-leaning press), it is easy to understand why many reformers have become 'dispossessed' (Best, 2013) and prefer to pursue their strategies out of the media spotlight. Adopting the methods of 'insider claimsmakers' (Best, 2013), their actions are reminiscent of the Post-War era of the 'platonian guardians' (Loader, 2006). Highlighting once more how little their communicative strategies have changed alongside developments in the political and media spheres, some campaigners have even called for greater 'reform by stealth'. Such a strategy, that seeks to bypass the media in its entirety, was popular among many campaigners whose experience of the policymaking 'reality' was that, although by no means always the case, reform often occurs out of the media (and therefore public) spotlight (Loader, 2010). Contributing to understandings of the penal policy process, it would therefore seem that Best's (2013) model of 'insider claimsmaking' is best placed to describe the activities of penal reform campaigners operating in this area. Although general matters relating to criminal justice policy are routinely debated in the news media, the preferred mode of communication among campaigners is an insider process that, in general, bypasses media outlets. In seeking to further unravel crime-media relations in the field of women's penal policy, the following chapter will explore the interpretations of journalists operating in this domain.

## 6. Newsmaking

### i. Introduction

This study has acknowledged that in our ‘mass-mediated reality’ (Nimmo and Combs, 1983), meaning is socially constructed through a process that is often dominated by the news media (Johnson-Cartee, 2005: 4). While it is clear that the mass media can, and often do, play a role in policymaking (Soroka *et al.*, 2012), ‘the way that media and policymakers interact bears relatively few academic footprints’ (Silverman, 2012: 5; Doppelt, 1994; although see Schlesinger and Tumber, 1994; Davis, 2000). As highlighted in chapter two, early studies of the policy process highlighted the importance of the *fourth estate* and its ability to focus attention on a particular social problem. Downs (1972) catalogued the media’s crucial importance in the ‘issue attention cycle’, with Kingdon (1984) similarly viewing ‘issue attentiveness’ through the news media as a critical precursor to policy change. Later work by McCombs (1981), Cobb and Elder (1983) and Kenamer (1994) pointed to the *agenda-setting* function of the news media and its pivotal role in the policymaking process. While debate persists about the extent to which mass media set the agenda (see McQuail, 1987) or directly influence the decisions of policymakers, it is however mostly agreed that ‘by highlighting particular aspects of the information stream, the media may help to set the tone for subsequent policy action’ (Jones and Wolfe, 2010: 19). As a focusing partner in the process of agenda-building there is ‘an important role for the media in determining which issues are important and when, both for the public and for policymakers’ (Soroka *et al.*, 2012: 206). So while the media ‘may not be successful much of the time in telling people what to think, it is stunningly successful in telling its readers what to think about’ (Cohen, 1963: 13).

The news media are able to sustain attention to particular problems, such as that of women’s offending and imprisonment, drawing attention to players in the policy process, and in so doing aiding, abetting or *hindering* their cause (Soroka *et al.*, 2012). While the previous chapter explored the viewpoints of penal reform campaigners, this chapter will examine the same phenomena from the perspective of journalists. Focusing on the role of newsmaking in the penal policy process, this chapter will consider the framing techniques adopted by journalists and examine the extent to which campaigners are able to influence the media

agenda (see McCombs (2014). In considerations of the media as a ‘non-compliant partner’ (Hilton *et al.*, 2013), it will shine a spotlight on the little-known nature of relations between penal reformers as *sources* and crime and home affairs journalists as *gatekeepers* (see Schlesinger and Tumber, 1994). Incorporating the viewpoints of ten journalists (including two former journalists) working on crime news and home affairs, part two will set out their various perceptions of newsworthiness, news values and public opinion. Part three will explore their understandings of women offenders (including the framing techniques they employ when writing such stories) and part four will investigate the level and nature of contact they have with campaigners as news sources. Part five will outline journalists’ views on the media strategies employed by campaigners and part six will outline some areas of possible improvement. Part seven will conclude with a consideration of the above points in relation to theoretical understandings.

## ii. Making Crime News

### *News Values, Newsworthiness and the Negative*

This chapter does not intend to repeat the theoretical foundations laid out earlier, except to remind that the news is a manufactured product. Newsworthiness is based on something particularly ‘audacious, violent or novel’ (Greer, 2010: 503; see Chibnall, 1977) and journalists’ decisions regarding newsworthiness are informed by their sense of news values (Greer, 2010: 502). The more events satisfy news values, the more likely they will be registered as news (Galtung and Ruge, 1981: 60), yet only a tiny fraction of events, criminal or otherwise, are deemed sufficiently newsworthy to merit media attention (Greer, 2013: 150). That media professionals often struggle to articulate their news values is well documented, and conversations with journalists were consistent with such findings.

When asked the factors that constituted a ‘good’ crime story, Journalist A (working for a right-leaning mid-sheet newspaper and describing himself as a ‘hack’), believed the answer was simple. Receiving information “from the police, from people who ring up sometimes, and contacts’ he believed that he could ‘usually tell. It will hit me in the face and I think my god [that’s a story]”. When probed further, he went on to admit that “it’s probably not simple. I don’t know my decision-making process. It’s just really if it’s a good story or not”. Consistent



with Chibnall's (1977) imperatives of 'titillation' and 'sensation', he explained that "I'm not sure juicy is the right word... To put it bluntly I suppose you talk about: is it a good murder or not? If it's a gruesome crime you want a head or something". Journalist B, also working for a right-leaning mid-sheet newspaper, was critical of penal reform campaigners who consistently relied on the same rhetoric and was clear that "if you want a good story, you need to have something more subtle than just saying 'we're locking too many people up'... What is so original and so new about that? ... The arguments are very familiar". While Journalist C (working in broadcasting) believed it was his role to "put things out there straightforwardly, honestly, and not get swayed [by public opinion]", he was at the same time "there to make stories interesting, and a story which says that some prisoners have got video consoles or whatever... that story is going to have resonance with some people. Therefore that's going to be given more prominence". Research by Schlesinger and Tumber revealed a belief among journalists that readers were fed up with 'everyday murders' (1994: 145), and Journalist A confirmed that he was "always looking for something that is unusual and out of the ordinary.... So not the ordinary boring crimes if you like, domestic violence cases where husbands kill wives or wives kill husbands". Journalist A went on to highlight the news value of 'celebrity' and explained that it was always good to "throw in a celebrity if you like or someone who's well known". He went on to describe the 1999 murder of news presenter Jill Dando as "one of the most extraordinarily high profile stories, murders" that he had ever reported on.

It has been argued that the claimmaking battle is now largely won or lost in the media (see Baumgartner and Jones, 1993; McCombs, 2014; Hilton *et al.*, 2013) and those campaigning for women's penal reform must therefore rely, to a certain extent at least, on favourable news coverage of their issue. Yet during the interview process it became clear that certain crime and home affairs journalists (none of them female) did not view the rise in the female prison population as a problem that needed to be 'resolved'. Consistent with Schlesinger and Tumber's assertion that reform of the penal system is viewed as having little audience or readership appeal among journalists (1994: 149), Journalist A stated that "as a general view, I think people aren't generally interested [in prisons and penal reform], and are slightly turned off by it". Journalist B similarly questioned "is anyone ever interested in penal reform? Do we even need to reform? Is there a significant problem?"

As well as confirming the news values required for crime stories, conversations with journalists also highlighted that 'the negative is more newsworthy than the positive' (McNair,

2009: 41). The media are routinely criticised for ignoring positive projects and developments from criminal justice agencies (Marsh and Melville, 2014: 216), and journalists were asked if it was more difficult to place positive stories about prison, crime or criminal justice in their respective newspapers. Former Journalist D (who had previously worked for a left-leaning broadsheet newspaper) explained that negative stories were far easier to place and recalled that “someone once said there was more truth in advertising columns than news columns, because in advertising columns planes take off and land. Whereas in the news columns planes don’t take off they only crash”. Former Journalist D described how Lord Rothermere, the founder of the *Daily Mail* wished for the newspaper to have a “daily hate”, and believed that “when you read it it’s still there”. Having worked in the industry for several decades he believed that “the worst thing of all is this negative reporting and it’s no wonder that people become disillusioned with government when newspapers concentrate on the negative not the positive”. Journalist B believed that his paper had “been trying in general to be more upbeat, positive”, but, consistent with the news values outlined above, went on to question “what are these stories?... if it’s just [an] ordinary criminal offender [that] goes through [their] sentence, doesn’t reoffend, how interesting is that?” Journalist F (working for a left-leaning broadsheet newspaper) confirmed that despite his best efforts to place stories about successful initiatives it was “much easier to get negative stories in. Positive stories about prisons are few and far between”. Journalist G (again, working for a left-leaning broadsheet newspaper) explained that penal reform campaigners needed to understand that “crime is a generally negative experience” for many members of the public and that media coverage was therefore bound to reflect this.

### *Crime News and Public Opinion*

Empirical work by Chibnall (1977) and Hall *et al.* (1978) in the 1970s went some way to uncovering the way in which the media shaped public knowledge (Pratt, 2007). Like the ‘platonic guardians’ exercising control over Post-War penal policy development, so too did the ‘media guardians’ impose their own standards and values on the release of information to the public (Pratt, 2007). As highlighted in chapter two, subsequent developments in media ownership, the proliferation of news outlets and the politicisation of law and order has meant that journalists now operate in an entirely different landscape. Due in part to commercial pressures, it is widely acknowledged that crime reporting is now *more explicitly* based on what

is deemed to be of interest to the public, namely things that are particularly unusual. 'Journalists' news values lead them to present public issues within certain frames... that help define *the fund of ideas* available to citizens' (Price and Tewksbury, 1997: 177, emphasis added) and, as highlighted above, some journalists working on crime and home affairs believe the public to display a generally punitive stance when it comes to issues of law and order. Tapping into such 'beliefs', populist rhetoric espoused by certain journalists 'speaks to the way in which criminals and prisoners are thought to have been favoured at the expense of crime victims and the law-abiding public' (Pratt, 2007: 12). It is in this way that such journalists, operating as supposed 'arbiters' of public opinion are able to exacerbate the penal problem. Of serious concern for penal reform campaigners is that previous possibilities for informed public opinion are often greatly diminished (Pratt, 2007: 67) as public knowledge about societal problems can become 'effectively impoverished' (Chibnall, 1981: 87).

Journalists' beliefs and assumptions tend to reflect the culture within which they are working (McNair, 2009: 66), and some journalists, predominantly those working for right-leaning newspapers, understood public opinion to be punitive. Journalist A, for example, believed that "most surveys would show that the public think that more people need to be in prison, people get off too lightly, and so on. That's the bulk opinion". Journalist B questioned "this argument [that] 'there's too many people in prison'. Says who? It's one of these received wisdoms against a certain group of people". Consistent with the populist rhetoric of his right-leaning newspaper, Journalist B was clear that his stories were "not [just] about people getting perks, but more that... there are victims out there. What are we going to do about it?"

While such viewpoints were articulated by those working for right-leaning newspapers, there was widespread recognition among those working for the left-leaning news media that penal reform campaigners faced difficulties working with certain sections of the press. Journalist H (working for a left-leaning broadsheet newspaper) explained that "the public care a lot about what goes on in prisons... [but that] there are some [punitive] people, their views are articulated very strongly by some newspapers". Describing what he saw as the contested nature of public opinion and that "actually when you talk to people, there's a wide range of views", he highlighted "this perception that there's one view out there which is, you know, 'lock them up and throw away the key, I don't care'. But actually it's not as simple as that at all". Consistent with Hilton *et al.*'s conception of the media as a 'non-compliant partner' (2013: 161), Journalist C admitted that "some [campaigners] do struggle to get their voices heard in

the mainstream media, partly because there's a resistance among some in the media to the liberal ideas they have, the *Howard League* and the *Prison Reform Trust*". Journalist F believed that public "opinions are formed by what they read and what they hear, and of course the tabloids demonise prisoners. When you talk to people directly, [you] get a good reaction. I think the public by-and-large are okay, but they get fed this diet and they react accordingly". Journalist H similarly agreed that "if you ask the public a sensible question you often get a sensible answer; ask them a loaded one, which is what politicians generally do, and you get knee-jerk punitive responses". Journalist F went even further and argued that prisons "serve a purpose for politicians" as members of the public have an outlet on which to "vent their spleen on undesirables...[taking] the pressure away from the politicians". Adopting the role of a campaigner, he viewed it as his "mission" to influence public opinion and contest the dominant media-crime paradigm, questioning "how many people pass [HMP] Pentonville every day? But for all they know what goes on in there, it may as well be Timbuktu".

By not viewing the issue as a problem, it is clear that certain journalists are able to ensure that 'large segments of the social world are systematically excluded from representation and discussion in the media' (Chibnall, 1981: 87). Depending on their ideological persuasion, journalists are unwilling (or unable) to create the climate for wholesale reform, and further still may work to inhibit this process. Given the struggles experienced by those journalists sympathetic to reform, such empirical evidence supports the classification of this issue as a 'lesser social problem' (Hilgartner and Bosk, 1988).

### iii. Portraying Women Offenders

Of on-going concern for penal reform campaigners is that news media publications have the power to *distort* as well as inform (Indermaur and Hough, 2002; see Jewkes, 2004; Jones and Wardle, 2010; Kitzinger, 2000). As highlighted earlier in this study, feminist scholars have argued that gender inequalities are reproduced in a patriarchal media industry (Jewkes, 2004: 20), where audiences are positioned according to the 'idealised' role of the female (Boyd Barrett, 2007: 99). Common-sense assumptions about gender roles for men and women are reflected in the way the media report crime and criminals and their use of these stereotypical views of women (Marsh and Melville, 2014: 89). Stereotyping enables journalists to frame

messages 'with the least amount of lost motion', and receivers 'to comprehend what is being communicated with equal speed and facility' (O'Hara, 1961: 194). Campaigners expressed concern that stereotypical media representations of women offenders continued to act as 'mental pigeon-holes' (Dyer, 1993) for politicians and the public alike, presenting a major barrier to policy reform. This section will critically assess journalists' thoughts on gender role expectations and the newsworthiness of women offenders in crime news. It will conclude with a consideration of high-profile women offenders as 'media templates' (Kitzinger, 2000).

### *The Newsworthiness of Women Offenders*

This study has demonstrated that the subject of routine female offending, from a news perspective at least, is considered mundane, and does not satisfy the news values of novelty, titillation and drama (see Chibnall, 1977). Even those journalists who were sympathetic to reform and working for the left-leaning quality press struggled to get stories into their newspapers, recognising that the subject was of little interest to editors (Journalist F and Journalist I, for example). Journalists routinely criticised campaigners for repeating the same messages, the result being that their key issues became diluted and were no longer interesting or distinctive. Stories about women were critiqued for being "dull and dry" by Journalist A (who worked for a right-leaning mid-sheet), while Journalist J (working for a right-leaning mid-sheet and sympathetic to women's penal reform) admitted that campaigners needed to give their stories more "rah-rah skirt". Yet while routine female offending was not considered newsworthy, cases involving violent offending were considered to be at the other end of the spectrum.

Despite some journalists demonstrating an understanding of the wider problem of women's offending and imprisonment, all agreed that the subject was not newsworthy. Sporadic issues would undoubtedly receive higher levels of coverage (such as the former practice of shackling women offenders in labour), yet this was comparatively little compared to the coverage received by other societal ills. Journalist G (working for a left-leaning broadsheet newspaper) believed that that it was still possible to read "a 1,000 word feature about women in prison", although this was likely to be in "*the Guardian*, and not *the Mail*, *the Telegraph*, probably not even *the Times*". Former Journalist E (who had previously worked in broadcasting) believed that despite the general "understanding that there are huge numbers of women in prison who shouldn't be there, the issues surrounding women's offending get

subsumed in this general obsession with public protection and hardline penal policy". Journalist H (working for a left-leaning broadsheet) was clear that "women offenders are not seen as victims where they should be; most women in jail have had bigger crimes done to them than they have done to others". Interpersonal violent crimes are clearly more dramatic and titillating than non-violent crimes (Greer, 2010: 503), and Former Journalist E saw little "separating out that ninety per cent of women in prison are there for property offences... there isn't unfortunately much interest". Voicing frustrations about her struggles to place stories into her own left-leaning broadsheet newspaper, Journalist I recalled that "women's magazines used to be very interested in women in prison and the issues around it", but she could not "remember the last time I saw [an article in one]".

Highlighting the news value of simplification, and the tendency of 'the popular media... to construct an on-going narrative which its readership can slip on like a favourite coat' (Silverman, 2012: 37), Former Journalist E believed that a major issue was that it was "difficult to represent certain stories like women cutting themselves" in the mainstream media because "they're stories that take a lot of nuancing... they're hard to represent in news stories. And I think that's one reason why you do get a lot of stereotyping shorthand. I think the mainstream media does like to deal with things that it can put in a box". He believed that opinion-forming tabloid "papers like *the Sun* are absolutely brilliant at encapsulating something in two hundred words. But of course all the nuances just go out the window". This had obvious implications for the portrayal of female crime, and was "why the criminal justice system is hard to portray in anything other than black and white terms".

While 'routine' cases of female offending did not satisfy the journalistic values of dramatization, titillation and novelty (Chibnall, 1977), stories involving violent women's offending were at the other end of the spectrum. Journalist A believed that women offenders received comparatively worse coverage than men "because it's unusual. It's fascinating when you get a woman who has committed a particularly violent crime like Fred West's wife, Rose. So I think it is the kind of unusual aspect". Journalist A admitted that women offenders "make good headlines... you could have 'black widow' or something like that". Journalist C (working in broadcasting) similarly agreed that media "treatment is a bit different because it's more unusual".

### *Gender Role Expectations*

Opinion was divided about the comparative reporting of male and female offenders, although the vast majority of journalists believed that women 'had it worse'. Former Journalist E admitted that expectations about respectable female behaviour went "back to the 19<sup>th</sup> century, and I think that attitude towards women is still there as an undercurrent". Journalist G believed it was "hard to judge", but understood that "the women that you read about in the tabloid press commit particular types of crimes. The front page of the *Sun* yesterday was about a mother getting drunk with her eleven year old son. Now I think if that had been 'father drinks with eleven year old son', it wouldn't have made the front page... I don't even know if it would have made the inside". He believed such coverage "tells you more about gender expectations than crime... I know a lot of it is a sense of a female moral code and what people expect of women... and so if something jars with our gender expectations I can see why an editor would think that was more of a story".

Other journalists, predominantly, although not exclusively, female, were unequivocal in their responses. Journalist I believed that it was because women offenders "defy the stereotypes". Journalist F (working for a left-leaning broadsheet newspaper) similarly agreed that "people think that women shouldn't [commit crimes]. People think that women have a place in society and they shouldn't step out of that place. And yes they do get a harder time, without a shadow of a doubt". Journalist J was clear that "people seem to think somehow women shouldn't do stuff like this. Therefore if they do, that's terribly awful. Whereas if a bloke does it, well hello, he's just done it". Journalist H summarised the "greater shock when a woman commits a high-profile offence than when a man commits the same crime". He believed there was:

"An ambivalence in British society towards women offenders; on the one hand, there is still an old-fashioned sense of expecting a higher standard of behaviour from women...; on the other hand there is a sense, post feminism, that women should be treated with equal severity with men when they have offended. The combination of these two means that they are treated worse on balance".

### *Media Templates*

While journalists confirmed that the vast majority of stories about 'ordinary' women offenders were unlikely to make the news, for those 'striking' cases that *did* exhibit newsworthiness, comparisons were often drawn with the most high-profile offenders. In their empirical study of journalistic behaviour, Protess *et al.* (1991) argued that most journalists look to fit a 'picture frame' around the context of their story and seek to identify other similar cases, historical or otherwise to place it with (see also 'news packaging' Ericson, Baranek and Chan, 1991). By producing stories within established frames and templates, or what Ericson, Baranek and Chan (1987) called the 'vocabulary of precedents', journalists wield considerable power over penal reform campaigners and the messages they seek to promote. As highlighted by D'Cruze and Jackson (2009), it is those very few violent crimes committed by women that remain in the minds of the public, their legacies have become what Kitzinger has labelled as 'templates', serving as 'rhetorical shorthand' (2000: 61) to help new audiences understand the occurrence of female crime (see also Birch, 1993; Jones and Wardle, 2010).

When asked their views on women offenders, some journalists (working for right-leaning newspapers) framed their responses using the entrenched 'templates' of Rose West and Myra Hindley. It is clear that a journalist's personal interest in any given problem affects the ideological issue frame (i.e. punitive or rehabilitative) and rhetorical language that they are likely to pursue. Former Journalist D (who had worked for a left-leaning broadsheet) expressed frustration with such practices and the constant "obsession with serious women offenders". He believed that the journalistic instinct to portray all women as "evil, i.e. Myra Hindley" was an "absurd and a very dangerous concept". While some journalists (working for the right-leaning media) were happy to draw on comparisons with the most high-profile offenders, Journalist I was similarly unhappy with the constant use of populist stories. As far as she was concerned, "the stories that get onto the press are dictated by prevailing urban myths like women are becoming more violent, or young women are becoming more like young men", working hard to challenge such myths was "very difficult... although you keep on trying". It is clear that the continued tendency for some journalists (mainly working for the agenda-setting, right-leaning newspapers) to rely on stereotypical and negative templates makes the task of pursuing competing rhetoric for other journalists (mainly working for left-leaning broadsheets) and campaigners all the more challenging.



#### iv. Campaigners and the News 'Onion'

As a consequence of the growth in the scope of crime reporting, there are now many more potential sources that specialist journalists have to cultivate (Schlesinger and Tumber, 1994: 160). While the main source for those working on crime and home affairs undoubtedly remains the police closely followed by government department press offices, the pool of potential sources includes an ever-growing array of pressure groups and individual experts (Schlesinger and Tumber, 1994: 160). It goes without saying that journalists' relationships with their sources are varied, and, (often from their own experience of working as media professionals) some sources are inevitably 'more reliable, accurate and aware of the media's needs' (Schlesinger and Tumber, 1994: 166). Having summarised journalists' conflicting viewpoints on public opinion and women offenders, this section will consider McCombs' (2014) metaphorical 'onion' of source access to explore the journalist-campaigner relationship in more detail.

##### *Relations with Campaigners*

The journalists interviewed for this study painted a picture of mixed relations with penal reform campaigners. Journalist B (working for a right-leaning mid-sheet) admitted that he didn't have a "bad" relationship with the penal reform network, but equally not "a huge one". The onus for building relations fell squarely at the door of those wanting to secure media coverage, and he didn't feel that campaigners made "a great deal of effort". Clear that "if anyone comes and says to me will you meet and talk about this then I will do", he admitted that "if there was somebody I knew in those sorts of organisations that would tell me... things, then of course I would talk to them because it would be useful, but they don't". Journalist B went on to explain that given the issues that interested his publication's readership, "it's not always the sort of information that's going to be that useful to me, really". As the issue of penal reform was not considered a particular concern for his newspaper, he was "not sure off the top of my head" how campaigners could expect to receive greater coverage. Journalist A (also working for a right-leaning mid-sheet) similarly admitted that he didn't "tend to deal with them [campaigners] very much", although he went on to explain that he "probably should have more dealings with them actually, than I do... Although I get a lot of press releases from them". Although fewer in number, other journalists (three or four) enjoyed closer relationships with penal reform campaigners (mainly, although not exclusively, those working for left-leaning

newspapers). Journalist J (working for a right-leaning mid-sheet), for example, had a very good working relationship with an organisation and recalled that a campaigner had counter-intuitively seconded her onto her policy taskforce “because she thought it would be quite useful to have someone from a newspaper group that was potentially quite aggressive and quite challenging”. Journalist I (working for a left-leaning broadsheet) sat on a board of trustees for a national campaign organisation.

### *Campaigners as Sources: In and Out of Favour*

In the face of declining editorial resources, journalists have developed an increased dependency on the ‘information subsidies’ (Gandy, 1980) supplied by sources (Davis, 2000: 44). By providing a consistent supply of such ‘subsidies’ (comprising of news stories and research) to journalists, ‘non-official’ sources such as penal reform campaigners can work to establish themselves in media discourses as legitimate sources (Davis, 2000: 44). Research by Schlesinger and Tumber (1994; see also Schlesinger, Tumber and Murdock, 1991) recorded examples of criminal justice pressure groups developing sophisticated media strategies, which identified them as ‘authoritative’ sources in their subject areas (in Davis, 2000: 50). Although it is the case that certain campaigners have been able to raise themselves up the ‘hierarchy of credibility’ (Becker, 1967), it is important to remember that the contemporary field of penal policy is highly *political*. Criminal justice sources (the police, the probation service, penal reformers and civil liberties organisations) have consequently found themselves in and out of favour depending on the political administration of the time.

When questioned about the status of penal reform campaigners as new sources, both former journalists took the opportunity to document the changing nature of media access. Former Journalist E (who previously worked in broadcasting) discussed the demise of penal reformers who had “captured the old Labour party, certainly in the 1980s and early 1990s”. He saw that “after 2001 [their relations with government and officials] gradually began to dissipate under a much tougher crime agenda”. Comparing himself to a ‘media guardian’, Former Journalist D (who had previously worked for a left-leaning broadsheet) believed that despite changing relations with government and “given the Cold War that they’re in, they’ve survived incredibly well, they’re more important now than in the old days when we agreed it was too serious an issue to become a political one”. It became clear, therefore, that campaigners’ access to media outlets is dynamic, with the topic of penal reform moving in and out of political

fashion depending on the government of the time. Questioning the impact of reform strategies on women's penal policy, Former Journalist E felt clear that campaigners' "influence on the agenda has been... marginal for quite a long time", with one primary reason being their limited access to the news media.

While Former Journalist D did not feel that there was a problem with campaigner access to the media agenda, "[although] you would have thought so, with the media pumping up the penal populism, spurred on by the politicians", his views were in the minority. Journalist F (working for a left-leaning broadsheet newspaper) admitted that "there are stock people to go to when you write a story. Normally on a prison thing... you would go to *the Howard League*, to *the Prison Reform Trust*". Journalist B occasionally used 'information subsidies' provided by campaigners "which might help when there aren't official ones around" although he admitted that such information was not as trusted. It is clear that campaigners looking to pursue 'public conversations' must be able to deal with the media (Schlesinger and Tumber, 1994: 169), yet those who are resource-poor lack this crucial opportunity to make advantageous contacts (Palmer, 2000: 53; see also Gandy, 1982; Goldenberg, 1975). Journalist C (working in broadcasting) saw a major barrier to access as one of resources, and that "it's partly because they're small operations and don't have huge media teams". Despite recognising this issue, campaigners without adequate resources were of no use to journalists and received little sympathy.

Most journalists agreed that media coverage for penal reform campaigners was generally quite bad. Journalist B admitted that "they probably do [get low coverage]", but confirming the status of women's imprisonment as a 'lesser social problem' (Hilgartner and Bosk, 1988), went on to question "what *should* they be getting?" Journalist C admitted that he was "always a bit resistant to pressure groups and campaign groups because they tend to say the same thing in different ways over and over again. And so you see the email and you press the delete button because it's not really telling you very much new". Despite this view he stated that his attitude could be counterproductive because "you should always be aware that they do sometimes come up with something that is interesting or worth covering". Differentiating between news outlets, the general consensus among journalists was that campaigners did "struggle a bit with some of the mainstream media", but that newspapers such as *the Guardian* were likely to afford them more time and access. Former Journalist E believed that "penal reform groups have no trouble whatsoever getting stuff in *the Observer* and *the Guardian* and

the left-leaning papers”, but that they had “fantastic trouble getting stuff in *the Mail* and those papers that do still influence the policy agenda”. Coverage in the agenda-setting news media was deemed vital for those campaigners that wished to influence the policy agenda. While it is clear that topics such as women’s imprisonment and penal reform are more prevalent in the left-leaning quality press (although by no means receiving the levels of coverage that other journalists may perceive), journalists working on such publications were not always successful in getting such stories printed. Those journalists clearly ‘wedded’ to the agenda still had to fight their own battles. Working against the dominant crime-media paradigm to pursue his own counter-messages, Journalist F (working for a left-leaning broadsheet publication) described his job as “a mission without a doubt, because there’s so much wrong with the system”.

While journalists are often referred to as putting their trust in official sources and documents such as those emanating from the government (see Protesse *et al.*, 1991: 207), like ‘information subsidies’ (Gandy, 1980) provided by campaigners, information from the Ministry of Justice was not always judged as credible. Journalist B explained that “if you’re looking for facts and figures you’re going to go to official sources i.e. government departments because that’s where there are official statistics”. Yet those journalists working (or had previously worked) for left-leaning publications were far more cynical about ‘official’ information. Journalist G was clear that when critical stories about prisons or criminal justice policy emerged, Department press officials “become defensive and start misleading you. So you can’t trust them”. Journalist F was equally clear that “never have I trusted a government press office, and never would. They see their role to present obstacles to what you want to find. So they will obstruct and obfuscate, that’s their job”. Due to the investigative nature of his reporting Journalist F admitted that the Departmental press officials “despise me, they really do” and this made finding relevant information increasingly difficult. Former Journalist D believed that contacting the Department “just raised more questions” and it was therefore better to use contacts in the civil service who, while not permitted to liaise directly with journalists, were often more helpful with press inquiries.

The viewpoints debated in this section provide further evidence to support Best’s (2013) model of ‘insider claimsmaking’ as an accurate description of campaign strategies in this policy domain. In and out of favour (resolutely ‘out’ as far as the right-leaning agenda-setting journalists were concerned), and operating on the periphery of the media agenda (see

McCombs, 2014), penal reform campaigners are consequently unable to pursue media coverage as a stand-alone policy strategy, even if they wish to.

v. Critiquing Campaigners

Interviews revealed that journalists believed most campaigners were lacking in a basic understanding of the news production process. Initially discussing their views on stealth strategies, this section will also highlight their calls for campaigners to develop a greater understanding of the news production process.

*Reform by Stealth*

Despite admitting that women offenders tended to 'get it worse' in terms of media coverage, seven out of ten journalists were clear that this should not deter campaigners in their communicative strategies. Opposed to Best's (2013) model of 'insider claimsmaking', the "single track" approach of private lobbying was deemed as unviable by many journalists who believed that greater opportunities for policy change were the result of "finding as many platforms [as you can]" (Journalist G). Journalist G (working for a left-leaning broadsheet) was "staggered" that some campaigners viewed "exempting yourself from discussion as an effective tool of lobbying", while Former Journalist E (who had worked in broadcasting) saw it as "completely mad... nothing ever changes that way. The only reason why Ministers ever do anything is because they're embarrassed by public opinion". Former Journalist E did not see it as "possible in this 24 hour mediated age, and neither do I think it's desirable". He went on to stress that "the idea that you can do cosy little deals that are going to stick, have lots of meetings and lots of promises which never amount to anything, which civil servants and their political masters are very good at giving, I think is pie in the sky". Journalist J (working for a right-leaning mid-sheet) was clear that despite often unhelpful media depictions of women offenders, "you cannot close your doors to the media, because we influence what goes on, hugely". While Journalist F (working for a left-leaning broadsheet) believed that campaigners spent "too much time courting the media", he was at the same time clear that "the media can, and do in some cases, play an important role... we have to let people know what goes on. And the only way we can do it really is through the media". While he believed that campaigners

would “do better by getting on ‘reforming’”, often ending “up in bed with the people who they criticise”, he admitted that “you *need* media links”. Journalist A (working for a right-leaning mid-sheet) felt that the increasing focus on stealth strategies was “slightly worrying because I can see the legitimacy for doing that. I can see why that’s happening... I can see how people would start to bypass the media”.

It is noteworthy that three journalists (all working for, or having worked for, left-leaning publications) were sympathetic to stealth strategies. One believed that penal reform campaigners should abandon media work altogether, while the others believed that it should be of *less* focus than traditional forms of lobbying. Consistent with the comments of campaigners who believed the media and public to be generally ‘uninterested’ in women’s penal reform, Former Journalist D (who had worked for a left-leaning broadsheet) concluded that “you can do things [by stealth] for women because they [most publications] won’t regard it as news”. Tapping into the penal populism debate, Journalist H (working for a left-leaning broadsheet) similarly agreed that “given the high octane nature of coverage it would make sense for reformers to press for change at a policy level rather than through the media. Many prison governors seem to be far more sympathetic to a reform agenda than populist politicians and the media are”. He believed his colleagues in the media to be “a trivialising and sensationalising influence on the debate on criminal justice, by and large” and that campaigners should not “expect much support from the media for this”.

Some journalists appreciated that decisions about ‘whether to go public’ depended on the strategies of individual campaigners. Journalist F understood that working by stealth “might be a tactic that they want to build up slowly with Ministers and officials rather than have this [public] thing and then it can backfire”. Journalist C (working in broadcasting) agreed that some campaigners may prefer to pursue change through the “meeting” approach, because “it depends what you’re aiming for”. While dismissing reform by stealth as “ridiculous”, Journalist G was similarly clear that constantly chasing the media was equally unimpressive. He did not believe that those “people who are constantly on the television or on the airwaves have the same authority as those who choose more carefully. I think you have to think about your profile and your platform and what suits you”.

### *Press Releases and the News Production Process*

The main critique levelled at campaigners was their general ignorance of journalistic practices. Journalists were clear that if such actors wanted to be treated seriously as sources, they needed to develop a better understanding of how newsmakers operated and make themselves more readily available to the inevitable 'whims' of the news production process.

Most journalists were clear that the sending out of numerous press releases was not an effective strategy for campaigners trying to get media attention. Journalist G admitted that he deleted "them without even reading them. Never read them". Former Journalist E was similarly clear that "just banging out a press release is more or less like banging your head against a brick wall". He went on to explain that campaigners needed to understand that "the national media are bombarded with stories every day, they're not just sitting there waiting for your particular issue to pop up on their desk... you've got to work hard to get interest". Journalist A admitted that "one tends to kind of dismiss them [press releases], you know", before conceding that "you ignore [them] at your peril because you can find good stories in what you think are fairly banal press releases". Journalist A felt that most press releases he received were "really dull, very tedious. I often think they could try and be much more interesting. I don't think it's our fault all of the time, I think it's the way things are presented to us. I do get stuff from [X], and I'm not sure if I've read a press release from them for ages".

It has been argued that the 'primary definer' status of official sources is structurally determined by the routine practices of media professionals (Davis, 2000: 47; see also Hall *et al.*, 1978; Golding and Middleton, 1982) and this was confirmed in conversations with journalists. Those campaigners wishing to improve media coverage needed to understand the parameters within which their targeted recipients were operating. Discussing the general lack of understanding about the news production process among lobbyists, Former Journalist E admitted that he was constantly "amazed how they think". Journalist B (working for a right-leaning mid-sheet) voiced a repeated criticism that campaigners were "too slow moving. If they are organisations where you have to ring up and it takes forever, then you think [I'm not going to] bother". Journalist B was clear that "if you have to check that everybody in the hierarchy is happy, then usually you'll miss out". Journalist B revealed that he had "people from high profile organisations sending something [saying] 'I wonder if I might be able to get this in today's paper?' You think what the hell are you doing? If you'd rung me [earlier] I would have been interested. And I'm not [just] talking about low level staff at criminal justice organisations". He

explained that “when people say ‘why don’t things get in?’ a lot of it’s down to technical things” such as copy space and deadlines. Press officers at the larger campaigning organisations were also heavily criticised for their lack of understanding about the news production process. Journalist C believed that “press officers... are really bad. If it’s a campaign group then you have to double check stuff, you don’t know if it’s got some sort of bias”. Journalist F admitted that he “shuddered” when he was contacted by claimsmakers operating as the “Head of Comms”.

#### vi. Frame Alignment Processes

Although fairly scathing about the media strategies of penal reform campaigners, journalists outlined a number of areas that might improve their media presence. A major critique was the need for more newsworthy stories that would be of greater interest to readers. While journalists were not particularly interested in policy proposals, they *were* however interested in individual cases. All journalists believed that campaigners needed to make a greater use of case studies and become more willing to provide them with improved access to former offenders who were prepared to talk. Journalists also described the need to cultivate greater collaborative working relations. Those journalists working for right-leaning publications believed that penal reform campaigners needed to make far more effort developing relationships, and even those working for the left-leaning press believed this to be a judicious strategy. By simply targeting those they perceived to be ‘ethical’ working for the left-leaning press, *all* journalists agreed that campaigners were simply preaching to the converted. Journalists also believed that campaigners (of varying prominence) had very little understanding of the news production process, with most lacking a basic understanding of the practical constraints within which they operated. Better acquainting themselves with journalistic routines, pressures and whims was also considered a route to improved coverage. Reflected in the title, this section will consider the above themes in relation to Snow *et al.*’s (1986) processes of *strategic frame alignment*.

#### *Greater Use of Case Studies*

It is well documented that crime news privileges the experiences of ordinary people, particularly victims, over expert accounts (Pratt, 2007: 67). Put simply, journalists are less likely



to be interested in the policy problem of women's imprisonment than they are individual offenders. While campaigners are understandably protective of those they represent, this evidently works in direct opposition to the newsworthy requirements of journalists. Journalist A (working for a right-leaning mid-sheet) encapsulated the viewpoints of many of his colleagues when he admitted that "there could be better stories". Journalist I (working for a left-leaning broadsheet) similarly believed that campaigners needed "to look more at individual stories and cases, that's always been one of the failings.... I don't know if they're very adept at doing that". She believed that campaigners needed to provide media with more "examples of women who shouldn't be in prison" because "you have to sell these things". Journalist J (working for a right-leaning mid-sheet) also agreed for the need to have "a good story, because it's so dreadful, and it would be interesting. You know, she just stole from Marks and Spencer's to keep her kid on the rails, a pair of trainers, and then she topped herself [in prison]. Too awful, but that would be the headline-grabbing one". Journalist B (working for a right-leaning mid-sheet) was clear that "it's the cases that often highlight the flaws in the policy... if they really want to highlight [a] problem they need to come up with a stonking good case and give us access and tell us about this individual. That's what they need to do". However as highlighted in chapter five, campaigners are often unwilling to do this, preferring to talk in terms of *policy* and not *personality*. Yet it is here they may be making a tactical omission. Implicit in the above responses is that a greater use of case studies, portrayed through processes of *strategic frame alignment* (Snow *et al.*, 1986) would make the issue of women's offending and imprisonment more readily comprehensible to the general public.

#### *Targeting a Wider Range of Publications*

Palmer (2000: 56), in his discussion of successful media strategies, has argued that one route to success for sources is to tailor their information to particular news values. This is a key campaigning consideration. While some penal reformers clearly prefer to work with their 'friends' on the left-leaning quality press, others described their preparedness to engage in a process of *frame extension* (Snow *et al.*, 1986) and target those newspapers that have traditionally been hostile to issues of penal reform. Such viewpoints are consistent with those of Garland, who has argued that penal reform campaigners must address themselves directly to popular (punitive) feelings if they intend to produce real change (1990: 62; see also Ryan, 2008). Such a strategy was mooted by journalists as one route to improved coverage.

Journalist C (working in broadcasting) was critical of the tendency to only focus on relations with “sympathetic” journalists and media outlets, believing that such campaigners were “just preaching to the converted”. As far as he was concerned, campaigners were simply “getting the same coverage from the same people who agree with your view” and not making crucial policy traction. Former Journalist E (who used to work in broadcasting) believed that campaigners working with “*the Guardian* and *the Observer* and *Independent*” had “an open door” but that the real task was “to engage [with others], you need to convince people who are naturally hostile”. Tapping into the concept of *frame extension* (Snow *et al.*, 1986), Former Journalist E believed that there was “a view from the outside that *the Mail* and *the Telegraph* have a kind of monolithic view on these social policy issues”, but that “it is possible to dent it, but it takes a bit of time and effort”. Former Journalist E went on to question whether campaigners were “clever enough... cute enough in thinking about how they get stories into say, *the Mail*. I would choose *the Mail* because better or worse, *the Mail* has really influenced the policy agenda over the last twenty years or so”.

Consistent with the widely articulated viewpoint that it is the punitive strand that currently dominates political thinking, several journalists highlighted the need for campaigners to focus their efforts on the right-leaning, agenda-setting publications. Former Journalist E was clear that “the pieces that really count are the pieces for *the Mail on Sunday*, not for *the Observer* or *the Guardian*. You can write a hundred pieces for them and there’s no impact whatsoever”. Journalist C was clear that campaigners must not “neglect [the] core supporters, *the Guardian*, *the Independent*, you’ve got to keep them on side”, but admitted that “of course you [also] have to write for *the Times*, *the Mail* and *the Telegraph*”. Journalist J believed that campaigners could try to get more stories into “[*the Daily Mail*’s] ‘You’ magazine [because] they are quite good at presenting women reinventing themselves. And I think that’s a possibility”, while Journalist F (working for a left-leaning broadsheet) similarly agreed that campaigners needed to target “people like *the Mail* or *the Sun*”. Believing that arguments about prison reform needed to be framed in economic terms, Journalist F argued that managerial rhetoric would be a successful claimmaking strategy and that campaigners should “talk through their pockets”.

It is clear that even in telling familiar stories journalists look for fresh angles (Protess *et al.*, 1991: 123). Implicitly advocating a process of *frame bridging* (Snow *et al.*, 1986), Journalist B was clear that if campaigners could “find a way of bringing something forward in a different

way”, his newspaper might be more interested in covering such issues. Former Journalist E also highlighted the need for campaigners to “hang your agenda off the back of something that you know is something of current interest. Like gangs or whatever, you can get issues to do with masculinity and crime or women as victims of crime on gangs”. Consistent with the Snow *et al.*'s above concept, he went on to stress that “there are ways of kind of piggybacking on issues that are really topical, and getting your particular focus into the media”.

### *Greater Personal Engagement*

Snow *et al.*'s (1986) strategies of frame alignment are equally relevant when debating *personal* relations; savvy claimsmakers are able to get journalists ‘on board’ and supportive of their agenda for change. Yet a critique routinely levelled at penal reform campaigners was that many simply ‘didn’t bother’ to cultivate relations with journalists. While it is understandable that campaigners with little resources and knowledge may struggle in this enterprise, such criticisms related to campaigners of all experience and public prominence. Journalist B recalled that despite being “in the job six years” he had never been approached by a certain prominent campaigner: “she’s certainly never rung me up and said ‘oh let’s have a cup of coffee or whatever’, and actually we could have a talk... And when you talk you can say look, ‘if you approach [the story] this way or that way maybe there’s some way we can get there’”. Appreciating that cultivating relations was a “long build up” requiring sustained effort, Journalist F admitted that he didn’t “see much evidence” of campaigners engaging in this work. Former Journalist D (who had previously worked in broadcasting) was clear about the need for “one to one communication. But make sure the story is right”. Reiterating that simply emailing or “just pressing the send button” is not an effective strategy, Journalist C believed that campaigners could do more to build personal relations. Recalling that he was once “sent a mock electronic tag in the post by a pressure group years ago to make some point about tagging... I remember thinking ‘oh that’s interesting’ and you did read the press release and did pay attention”. Journalist C believed that campaigners could perhaps “get all the home affairs correspondents in for a briefing... talk about one or two issues and ideas and tell them what’s happening in prison... I’m not saying we’d all come, but you might get three or four”. Journalist I felt that as the national media were generally hostile to the problem of women’s imprisonment, campaigners should be “honing in on those freelancers who are sympathetic” and “invite them in”.

Interviews revealed that some journalists clearly enjoyed close relations with campaigners and had developed an insiders' understanding of women's imprisonment, demonstrating what Palmer has referred to as characteristics of 'absorption' (2000: 54). Several journalists had experience of visiting prisons, and it was clear that, for some, this had changed their perceptions of offenders and the prison regime. Journalist J admitted that "it completely does change your view. It changes your thinking". As a consequence of prison visits and involvement with a campaign organisation she explained that "we [the newspaper] had, and we're just about to have again, a young woman who's been in prison come to do some work experience with us. And I just think that's what we should be doing". Journalist F was clear that "to visit a woman's prison is just horrendous. Mutilation, scars... women setting fire to their hair. Awful, awful things. I mean it would break your heart". Former Journalist D recalled that he worked on a "wonderful TV documentary for Man Alive years ago on [HMP] Bullwood Hall which was an eye opener...The interviews with the women were amazing". While such experiences clearly had an impact on some journalists' perceptions of prisons and the criminal justice system, others were less convinced. When asked what he thought about the campaign strategy of taking his colleagues into prisons for the purposes of 'education', Journalist B felt this was "naïve, in a sense". He described how he had "been in prisons, and the thought of being in a prison cell... I think it would be horrendous". Tapping into punitive rhetoric, he felt that his reporting was "not in the slightest" influenced by this experience, because "people have a choice don't they?"

### *Using Social Media*

While some journalists believed that campaigners could take more control of the information they released by increased use of social media (bypassing sections of the traditional print media that acted as a 'non-compliant partner' (Hilton *et al.*, 2013)), others expressed concern at the increasing use of new media technologies. Former Journalist E believed that campaigners could regain total control of the information they released by "undermin[ing] official discourse". Journalist G (working for a left-leaning broadsheet) similarly admitted that whereas working in this way requires "a completely different approach... the dividends are really huge potentially".

Other journalists, understandably, did not see this direct approach being as beneficial. Journalist C questioned "how influential they [social media] are. Most people overstate the

influence. Huge numbers of people get their news from TV. The Today programme is still very influential in the morning. Front pages of the papers". Former Journalist E similarly admitted that while "the old certainties about how you deal with the media probably have gone off board... I still think that the *Daily Mail* [is still hugely influential]. So however much talk goes into social media... one editorial in the *Daily Mail* can have a lot more impact". As well as questioning the potential influence of social media, other journalists expressed professional concern. Feeling threatened by the fast developments in media technology, Journalist A (working for a right-leaning mid-sheet) felt that the news media had "fundamentally" changed in the last three years and that "old style media has just disintegrated into the *twitter* world and *Facebook* world, and everyone commenting freely left, right and centre". Acknowledging a diminishing of his gatekeeping capacity, Journalist A likened developments in social media to an "out-of-control train, we're all clinging on to it and we don't know where it's going to go". While interviews revealed that some campaigners were also wary of this medium, it is clear that the technology-enabled potential to undermine official discourse constitutes an attractive proposition. A point of contention, for now at least, is the extent to which such media are able to exert the same level of agenda-setting dominance as the right-leaning newspapers.

## vii. Conclusion

Adopting the approach utilised by Schlesinger and Tumber in their empirical study of source-media relations in the 1990s, this chapter has examined the under-researched nature of relations between penal reform campaigners as *sources* and journalists as *gatekeepers*. As outlined in the methodology, while the previous chapter debated evidence gathered from the majority of campaigners operating in this area, this chapter contains the views of a mere snapshot of crime and home affairs journalists. While it is not possible to make generalisations from this limited participant pool, it is possible to draw out several major themes as they relate to developing theoretical understandings.

The findings from this chapter are consistent with Schlesinger and Tumber's study conducted over twenty years ago. Journalists confirmed that media strategies employed by penal reformers have developed very little over this time period, and that such actors enjoy fairly limited relations in this area. Continuing to rely, for the most part, on traditional penal

reform messages, journalists were clear that campaigners operate on the periphery of the metaphorical media 'onion' (McCombs, 2014) as marginalised news sources. Journalists working across the political spectrum questioned the level of coverage that campaigners should naturally expect to receive for what they understood to be a niche area of public policy. Those working for right-leaning newspapers did not view the 'information subsidies' (Gans, 1980) produced by campaigners as particularly useful, while those sympathetic to the reform agenda similarly questioned their utility. It is clear, therefore, that certain penal reform messages act as a barrier to media coverage, certainly as far as journalists are concerned. In articulating such viewpoints, journalists debated the requirement to satisfy the key news values (such as novelty, personalisation and conservative ideology), developed by Galtung and Ruge (1965), Chibnall (1977) and Jewkes (2004). Such news values, together with an understanding of what constitutes newsworthiness, remain key to understanding journalists' news framing behaviour.

The importance of framing theory to understanding the social construction of news was also evident in journalists' discussions of women offenders. Journalists operating across the spectrum confirmed the continued use of gender-stereotypes, with many working for the right-leaning newspapers articulating their views through what one journalist described as "prevailing urban myths". Kitzinger's (2000) related, but far more rigid concept of media 'templates' also helps to explain the continued tendency for some journalists to refer to the most high-profile historic cases, unable (or unwilling) to provide readers with more nuanced understandings of female criminality.

In contrast to the views of penal reform campaigners, most journalists believed that they worked to set the political agenda, or certainly helped to set the tone for policy action (see McCombs, 2014; Jones and Wolfe, 2010; Soroka *et al.*, 2012). The key sticking point, in this policy domain at least, is that many of them did not view the subject as one that warranted high profile campaigning or regular media exposure. Yet despite this, they believed that campaigners needed to work far harder to gain coverage through the development of improved framing strategies, together with a greater focus on building relations with news professionals. They were clear, however, that such actions would not necessarily result in improved coverage, and the general consensus was that access to the media agenda was unlikely to change.

It is, however, important to caveat this conclusion with an important point. Despite accusations from journalists that campaigners had no appreciation of the news production process, evidence suggests that this is not entirely the case. As highlighted in the previous chapter, some campaigners described their *choice* not to play the media 'game', either through moral dilemmas or due to negative past experiences. Empirical evidence therefore points to something of a stalemate when it comes to campaigning and newsmaking in the women's penal policy sphere, a situation that will be revisited in chapter eight. The following chapter will explore the final area of empirical focus, that of policymaking.

## 7. Policymaking

### i. Introduction

As highlighted throughout this study, those policymakers entrusted with the justice brief are faced with a particularly daunting task. The competing constructions of policy problems, political elections (and changing political philosophies), the symbolic dimension of crime and the ever-present threat of ‘punitive’ public opinion (Ismaili, 2006) means that ‘the development of coherent criminal justice policy is a significant challenge’ (Ismaili, 2006: 261). In terms of agenda-setting, it is important to remember that policy emanating from the state (the ‘institutional’ agenda) will always take precedence over the ‘systemic’ agenda of ideas ‘out there’ in the political system (such as the array of claims made by penal reformers). As chapter five discussed, the ultimate ambition of claimsmakers is to influence the institutional agenda (Dorey, 2005: 36) and in doing so, the decisions of key policy players. Focusing on that process, this chapter will advance theoretical understandings through its empirical analysis of the core executive, and will explore the relative importance policymakers place on, and indeed how they work with, penal reform campaigners. Shining a spotlight on policymakers in the Ministry of Justice (hereafter referred to as the Department<sup>21</sup>), it seeks to learn more about the role of Ministers, senior civil servants and other key players in the penal policy process.

In considerations of political ideology and the policy agenda, the importance of Ministerial leadership for policy change and government use of the news media as a policy ‘tool’, this chapter will simultaneously assess the agenda-setting role of campaigners from the perspectives of policymakers, and the extent to which their strategies have adapted in a changing political climate. In investigating the strategies that policymakers consider to be most influential, it will uncover the private nature of negotiating and what goes on ‘behind closed doors’. Part two will briefly revisit theoretical understandings of the ‘core executive’ and government policymaking. Part three will explore policymakers’ views on the status of women’s penal reform, differentiating between the ‘systemic’ and ‘institutional’ agendas. Part four will focus on Departmental newsmaking, and the news framing activities of policy officials.

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<sup>21</sup> ‘Department’ refers to the Home Office until 2007 when responsibility for women’s penal policy moved to the newly-formed Ministry of Justice (under the same officials).



Part five will discuss policymakers' views on the different lobbying strategies employed by campaigners seeking to influence the agenda. With interviews conducted shortly after a change in government, part six will explore the relationship between political ideology and policymaking and will discuss the changing nature of relations between policymakers and campaigners. Part seven will conclude with a brief summary of the above points in relation to the theoretical framework.

## ii. The Core Executive in Context

Rhodes viewed the core executive as 'the heart of the machine', covering 'all of those organisations and procedures which co-ordinate central government policies' (1995: 12). To this list Smith later added government departments, which he viewed as 'the core policy making units within central government' (1999: 5), headed by Ministers who are 'key actors within institutions of the core executive' (1999: 5). This chapter on the dynamics of institutional policymaking will also shine a spotlight on the complex relationship between Ministerial hierarchy and bureaucratic expertise. Ministers have been described 'medieval barons... presid[ing] over their own, sometimes vast, policy territory' (Norton, 2000: 116-117); they are often responsible for an extremely wide remit that ranges from political to diplomatic work, and policy development is just one aspect of the role (Rhodes, 2011: 54). Some Ministers are certainly more proactive or visionary than others (Rhodes, 2011) and individual personality plays an important role in the policymaking process. While it would be fair to say that all Ministerial participants in this study described their actions on women's penal policy as 'proactive', interviews revealed a variation in practice.

In theory, Ministers are responsible for policy and officials are responsible for administration. In practice however it is very difficult to see *where* and *if* there is a clear division between those two concepts (Barton and Johns, 2013:65, emphasis added). The convention is that 'advisers advise, Ministers decide' (Dorey, 2005: 71), and whilst there is truth in this adage, literature suggests that it oversimplifies the reality of often very blurred relations. Page and Jenkins have argued that Ministers need civil servants to develop and maintain policy, not simply for advice on how to do it (2005: 2). It is therefore the civil servants, and not the elected politicians, who make the majority of policy (Barton and Johns, 2013). While governments have

manifestos, departments also have preferred policies and trusted stakeholders (Rhodes, 2011: 62) such as the penal reform campaigners that constitute the focus of this study. Rhodes has argued that the tensions between governments and departments are a common characteristic of decision making (2011: 63), although others have described the norm as a more reciprocal 'resource dependent' relationship (Dorey, 2005; see Figure 9 below).

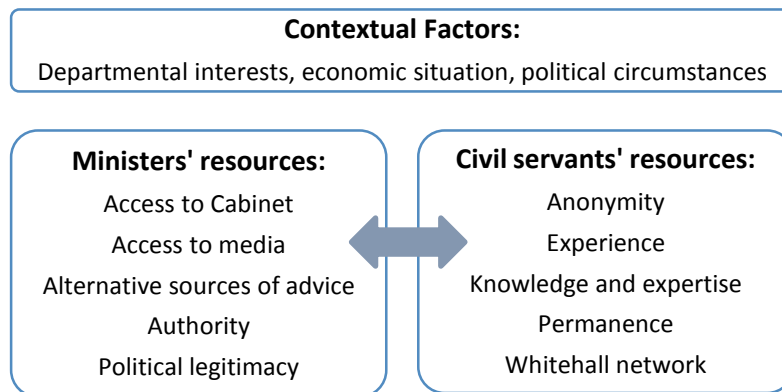


Figure 9. Resource Exchange and Interdependency (Dorey, 2005: 72)

As this chapter will reveal, the existence of very experienced former practitioners-turned-civil servants in the women's penal field means that the *bona fide* analysis of 'who said what' during the timeframe under review (the period 1997-2012) remains a grey area: if they did not initiate or devise policy, certain senior officials undoubtedly had a major hand in its development. Campaigner D described the political climate under the Labour government as one in which "the stars were aligned", and that is reflected in the empirical evidence of shared ideologies, political alignment and objectives of politicians and senior civil servants in the Home Office and Ministry of Justice during this time. As highlighted towards the end of the chapter, this consensual policymaking harmony was disrupted following the election of the Conservative-led Coalition in May 2010, leading to increased Ministerial-Department tensions.

One further contextual factor to consider is the concept of governance in relation to women's penal policy. Governing through a 'nexus of contracts' (Wright 1994: 127), state power is now distributed among various private, voluntary and charitable organisations in the field of penal policy and crime control. It is well known that large private corporations such as

G4S and Serco provide national security services, but smaller organisations such as *Women's Breakout* and *Women in Prison* (part-funded by the government) also provide a variety of services for women offenders. Contractual involvement in policy *implementation* provides organisations with more authority and legitimacy and offers further evidence of the increasingly 'blurred boundaries of the state'. Boundaries in penal policy have recently blurred even further under the *Transforming Rehabilitation* arrangements with the formation of the privately-run Community Rehabilitation Companies (CRCs) and their involvement with existing charities operating in this area.

### iii. Women's Penal Policy on the Agenda

#### *The Systemic Agenda: Claimsmaking Progress?*

Modern policymakers share the political sphere with a proliferation of pressure groups that have a stake in criminal justice policy, and want to shape the policy process in favour of their vision and preferred outcomes (Hobbs and Hamerton, 2014: 2). Network analysts have argued that policy often emerges as a result of pressure or influence from networks, either from direct lobbying or behind-the-scenes negotiations, even if the formal authorisation comes from elected politicians (John, 2012: 57). While chapter five explored the various attempts of campaigners to reform women's penal policy, this chapter provides a critical analysis of their efforts from the top down.

All former Ministers viewed penal reform campaigners as having relatively little power, influence or impact on the policy agenda. Instead (and in direct contrast to Marsh and Rhodes' (1992) assertions), they believed that it was their own interest and commitment that acted as the crucial driver for policy change. While recognising the existence of the long-standing external momentum for change, and that "for many years before [the Corston] report, there had been a view from campaigners outside that women shouldn't be treated in the same way as men in prison", Former Minister A believed that "the lobby outside for many years had pursued that agenda but hadn't particularly succeeded". Former Minister B similarly stated that "the lobby outside... didn't have that much influence", and consistent with Kingdon's (1984) requirement for a time-specific 'policy window' to kick start the process of reform, confirmed that "the impetus for Jean's [Corston] report was a number of suicides in a particular

prison, that was what finally made it happen". Challenging the network thesis advocated by Rhodes (1997), Politician C went even further and dismissed the agenda-setting function of campaigners altogether, concluding that "the stars that were aligned were nothing to do with any campaigning organisation". While such a viewpoint may be a slight overstatement, it is clear that campaigners' perceived access to the 'corridors of power' was considered differently by policymakers.

### *The Institutional Agenda: The Need for Political Leadership*

Notwithstanding the many different solutions provided by claimsmakers, all public policy change has to be developed on the basis of explicit Ministerial approval (Page and Jenkins, 2005: 108). Interviews with policymakers certainly supports this assertion. Yet it is important to note that the embryonic years of women's penal policy development saw barriers *within* government itself. As highlighted by Rock, only a small number of officials can devote themselves to a specific area of policy, particularly in its early stages when the area may not have received much in the way of departmental recognition and resources (1995: 3). Providing oral evidence to the 2013 Justice Select Committee inquiry on *Women Offenders*, former civil servant Liz Hogarth admitted that 'however hard we worked with [other] civil servants, the general response at the time was 'women are only five per cent of the prison population; we must focus on the larger numbers'. It was a real battle to get attention' (2013: 12). Confirming its status as a 'lesser social problem' (Hilgartner and Bosk, 1988), she stressed that despite the subsequent Ministerial attention and allocation of funding, 'there is *still* the issue that the small numbers of women can be seen as being problematic... in terms of policy' (2013: Ev7). Such a viewpoint corresponds with notions of 'generality' in public policy, and that government concern for an issue is widened *only* when it affects (or could affect) a great number of people (Solesbury, 1976).

As far as policymakers were concerned, it was the political desire to drive the policy agenda (and not the decades of campaigning) that constituted the crucial precursor to reform. Despite her specialist expertise, Former Civil Servant D confirmed the need for "politicians helping officials, because... had we tried going to Ministers [with our own ideas] they would have just said 'how dare you, you are civil servants, off you go'". Recalling the long-standing frustration among civil servants about the lack of political will, Former Minister E explained that officials "had been thirsting for someone to come along to drive [their ideas forward]".

Underlining the importance of synergy in policy development she recalled that “we had a Minister who believed it and wanted to deliver it, we had a very well-honed team, and we had a number of people in other departments... who were willing to come with us”. Acknowledging the amount of research (academic and campaign-based) already undertaken, Politician C described the Ministerial desire to “do a practical piece of work, drawing on all that research, and making recommendations for change”. Highlighting the clear existence of a ‘policy window’, Former Minister E recalled that “we had this one moment and we just had to go for it”. Baroness Corston’s report was subsequently published in 2007 in the aftermath of the suicides on the female estate. Following the report’s publication Maria Eagle MP was given the post of ‘Ministerial Champion’ for women in the criminal justice system and provided with the authority to drive the Corston reforms forward.

Interviews revealed a great deal of collaborative working between Ministers and civil servants during this time, and many highlighted the special nature of this synergy. Former Minister E described a blurring of Ministerial-official relations as “people trust[ed] each other’s judgement... we would brainstorm”. Providing evidence to the Justice Select Committee former civil servant Liz Hogarth similarly remembered the ‘very exciting, vibrant way of working, because what we had was Maria Eagle, with an inter-Ministerial group, and all those Ministers from across the piece... all sitting round a table’ (2013: 12). Stressing the importance of this ‘critical mass’ of women Ministers, Baroness Corston explained to the Committee that:

‘There was Harriet Harman and Barbara Follett, who were pushing the equalities agenda. In the Home Office we had Baroness Scotland, Vera Baird... and Fiona Mactaggart. Then... when this agenda got underway, Maria Eagle was given the job of Ministerial Champion. Having that critical mass of women who instinctively understood what this was about was absolutely crucial, in my opinion’ (2013: Ev1).

Baroness Corston was clear that Maria Eagle’s political leadership was ‘crucial’, as ‘there has to be somebody who can drive that agenda within Whitehall. That, to me, is a prerequisite. Certainly, Maria Eagle did that when she was a Minister’ (2013: Ev4). Demonstrating her clear agenda-setting credentials (Marsh, Richards and Smith, 2001), Former Minister B was clear that policy change was not about “outside lobbying making you do something... the reason why everything happened was because those of us who were Ministers in the department

decided it was going to happen". It is clear that those policymakers (former Ministers, politicians and former civil servants) interviewed for this study placed great stress on the importance of political will as the crucial driver for policy change. The following section will examine the extent to which they valued and utilised the news media as a policymaking tool.

#### iv. Departmental Newsmaking

##### *Media Stereotypes*

Much like the experiences of campaigners, policymakers described a similar picture of either extreme difficulty in achieving media coverage or strong feelings about the sensationalised distortion of facts when stories *were* reported, with seemingly little in the way of balanced reporting. Former Minister F believed that journalists were "much more interested in bad stories than good", while Former Minister B confirmed that "media weren't that interested... often what I was doing would be referred to, but there wasn't a big media headline grabber". Other policymakers highlighted journalists' distorted interest in the salacious aspects of women's offending. Politician C believed that "generally I think the media like to do this *Bad Girls* thing". Such tendencies had clear implications for those leading on the criminal justice brief.

In general terms policymakers rely on the news media to prioritise information and to disseminate public opinion (Soroka *et al.*, 2012: 205; see also Walgrave and van Aelst, 2006: 100). However, empirical evidence confirmed that like campaigners, policymakers believed that the news media often acted as a 'non-compliant partner' (Hilton *et al.*, 2013) in the process of policy reform, with journalists often framing stories in an unfavourable or unhelpful way. Politician C recollected that on one occasion she explained to journalists that while she favoured a policy of decarceration, she did not "believe that no women should ever be in prison... And I said 'for example, Rosemary West should be in prison'". Expressing anger at the subsequent media coverage, she recalled that "published in one of the red top newspapers the following day [was] 'this woman has recommended that Rosemary West should be in a nice little home in Gloucester and do her own shopping'". Exhibiting the tendencies of a 'dispossessed claimmaker' (Best, 2013), and retrenching from future media work, she

questioned “I ask you, why do you bother then? You just think there’s no point in talking to these people because it’s not an avenue that you can use”.

Consistent with the findings of Rhodes (2011: 197), the civil servants in the Department who came into contact with journalists also held a generally poor opinion of the news media. Revealing that “when we got [media] interest they weren’t looking for solutions”, Former Civil Servant G recalled an occasion when the Department was approached by a media production company. Having accompanied researchers to a women’s centre, she remembered the voyeuristic response from the manager that they “want[ed] to go into a prison... to see mother and baby units”. Highlighting the disconnect between the Department’s policy initiatives and the journalistic requirement for newsworthy stories, she believed that journalists simply weren’t interested in the positive news stories, and that “they want to see women locked up with their babies and their prams and all the rest of it”. Stressing that “we tried to be proactive about it... I said we’ll let you come into a mother and baby unit if you go to a community centre”, and consistent with the experiences of campaigners, she confirmed that achieving media coverage was “really difficult”. As far as she was concerned, many journalists were only interested in “mother and baby” stories because “it’s voyeuristic, it’s dramatic, and they [aren’t] interested in alternatives”. Former Civil Servant D was similarly clear that despite the Department’s proactive strategies to secure informative coverage, journalists working for the right-leaning press relied on media ‘templates’ (Kitzinger, 2000) to focus on “the Myra Hindley or... the Rose West, or its women having Halloween parties”... In *the Sun*. In *the Mail*. Better written, but in *the Telegraph*”.

In highlighting their frustrations, all policymakers were agreed that a major issue was the lack of interest and *understanding* among journalists. Former Minister B believed that journalists “wouldn’t necessarily understand the distinction between men and women in prison”, and that when responsible stories were published, that this was often down to “a single particular person taking an interest”. The need for journalists to understand and appreciate the problem of women’s offending and imprisonment was deemed an important factor in achieving the ‘right’ media coverage although, like campaigners, many policymakers seemed to have given up on trying to change ‘the inevitable’. Like campaigners adopting a strategy of insider claimsmaking (Best, 2013), Ministers preferred to pursue their strategies out of the media spotlight.

### *Ministers: Under the Radar*

Politicians of all denominations are well known for courting media attention, and while Rhodes (along with other political and armchair commentators) has argued that Ministers welcome their public 'visibility' (2011: 106), Ministers operating in this policy domain were less keen to engage in such work. Highlighting the omnipresence of contemporary news media, McNair has argued that 'no elite group, of whatever ideological position, and however firmly anchored in the corridors of power, is insulated from journalists' probings' (2003: 549; see also Thompson, 2005). During the interview process it became clear that due to the nature of the brief (whether in the Ministry of Justice or Home Office), coverage was almost always related to 'bad news' and media exposure was consequently viewed with extreme caution. Consistent with the viewpoints of many campaigners, the lack of Ministerial interest stemmed from either a genuine belief that media coverage was of little importance, or that receiving media coverage was generally a negative experience (and therefore to be avoided in the main). Former Minister A viewed coverage for the Corston agenda as "secondary", while Former Minister C agreed that it was "not important". Former Minister C simply wanted to "get on with the policy... without having to worry about fighting off *the Sun* and *the Mail*".

When relaying their anxieties, some former Ministers described the pressure of their accountability for justice-related 'gaffes'. Using a cricket analogy to illustrate his relationship with the media, Former Minister F explained that he was "at the back with the bat in my hand, and you're desperately trying to make sure that *the Daily Mail* doesn't take your wickets away, basically". He went on to describe that he was always "worried about when the wicket is taken out by somebody else... *the Daily Mail*, *the Telegraph*, the right wing media are much more difficult to deal with". Former Ministers were acutely aware that crime news stories sold newspapers, yet they were also aware that in this policy domain the agenda-setting publications often acted as 'non-compliant partners' (Hilton *et al.*, 2013). Former Minister F explained that he would "wake up every morning where there would be something in the top five items of the news that I was responsible for. So basically if I was on the media, then broadly speaking, I would only be on because something bad had happened". When faced with "bad press" Former Minister A admitted that he would "run for cover", while Former Minister F was clear that "even if I tried to put in something positive, you'd never get it through the noise... So an ideal day is not to be in the media". It became clear, therefore, that contrary to popular



perception, Former Ministers (or certainly those working on the Justice brief) did not routinely court media attention and preferred to pursue their objectives outside of the spotlight.

### *Civil Servants: Negotiating the Press Office*

The ultimate responsibility for achieving media coverage falls at the door of civil servants, who are understandably sensitive to the nature of reporting on government policy (Zetter, 2008: 94). As in other departments, civil servants were constrained by their need to work through their colleagues in the press office (in this instance the 'prisons desk'), yet interviews revealed a picture of uneasy relations. As far as those working on *policy* were concerned, press officials, operating with journalistic news values, seemed to have difficulty understanding that the implementation of the Corston agenda would not result in an immediate drop in the female prison population. Former Civil Servant D believed that the women's policy unit was "seen as a bit problematic as we couldn't come up with the magic bullet that would say 'we've done fantastic'". She recalled that "we'd get someone [from the press office] saying 'we want a good news story... have you turned it around yet'?" The agenda of the press office was consequently often at odds with that of the policy team, especially when it came to the desire to publicise short term gains (such as the drop in suicides) on the female estate. Former Civil Servant D recalled that "we managed to contain that, but we came under a huge amount of pressure". Dissatisfied that the majority of Departmental media coverage was restricted to the same liberal newspapers, "a converted audience", Former Civil Servant D highlighted the lack of dynamism among press officials: "these people, your department media, have to be very very savvy... and there was none of that discussion". Frustrating for those working on policy was that press officials spent "their whole lives mixing with the media... and they're kidding themselves like they're running this huge paper".

Despite such critique, Former Civil Servant D did however recognise the pressure that press officers were under, explaining that "it must be a hugely hard job because they're getting battered by politicians saying 'you haven't got me the right photo opportunity'. With Maria Eagle, she'd pop up all over the country at women's centres, she'd get really disappointed" because her visits were not covered in the national news media. Due to the bureaucratic organisation of the civil service, those working on policy were not permitted to engage with the media, whatever their previous background or personal relationships. Acknowledging that campaigners worked surreptitiously with the Department to float new policies in the media (of

focus in the following section), she confirmed that press officials “would have been very pleased that other people” (rather than Ministers or civil servants) engaged in work of this nature.

### *Framing Women Offenders*

Required to “go out and get a good case study of a woman who’s been a success”, Former Civil Servant D recalled that policy officials had to deal with a large amount of “handling stuff”. While the majority of the reactive ‘handling’ work was “about covering Ministers’ backs, making sure the right message is being given out on policy”, proactive work involved the strategic framing of women as a vulnerable offender population. Like campaigners, policymakers engaged in their own tactics to subtly work against the dominant (punitive) media discourse. For those working on women’s penal policy (pre- and post- Corston), a major challenge was to craft women offenders as different from their male counterparts, while adhering to New Labour’s ‘tough on crime’ agenda.

Working against the dominant media stereotypes to pursue a ‘counter defining’ humanitarian agenda, Former Civil Servant D conceded that the Department “tried to counteract [punitive coverage] by doing the special case about [the] vulnerable women side, by almost playing that more than we should have had to”. As the problem ascended the policy agenda (and during the height of the ‘policy window’ in the mid-2000’s) “there was an element of thinking if we don’t badge women, then who cares, they’ll [Ministers/the public] ignore it. So that was a conscious response to do that”. Former Civil Servant D explained that the Department “spent so much money on media opportunities with women” using ex-offenders as a media tool: “you get women bearing their souls: ‘I was a mess, and now I’m saved because of this wonderful project’... the [Departmental] media folk would come to us... saying ‘handle, keep the good news stories going through’”. Expressing an element of regret about the nature of this framing strategy, she confessed that “what we had done [was to] put an acceptable face on these vulnerable women who were mothers... It had that effect to say they’re not the nasty, horrible... they’re not Rosemary West, forget her, she’s so alone”. Attempts to shape public opinion were also highlighted by the use of polling during this period. Former Civil Servant D admitted that “you can mould the public view... it’s a bit Machiavellian because if you ask the right question, I’m sure you’ll get the answer.... Then you’ve got the evidence base and that’s got to be there allegedly, and then you’re on a roll”.

Notwithstanding the Department's own 'counter defining' agenda, this section has highlighted that government media strategies were less important than originally envisaged. While commentary routinely focuses on politicians and their courting of media attention, interviews revealed that former Justice Ministers preferred to work away from the media glare. Reasons for this varied between Ministers, with two viewing media coverage as less important than 'getting the job done' and one admitting that it was due to the problematic nature of the brief. While policy officials (and press staff in particular) continued to pursue media coverage, they were, like campaigners, often unsuccessful in their efforts. The Department's continued struggles add further weight to the importance of 'newsworthy' stories for media coverage, whatever the position of the source on the metaphorical media 'onion' (McCombs, 2014). The following section will examine the views of policymakers on the different lobbying strategies (both public and private) employed by penal reformers.

v. Lobbying for Reform

*Public Activities*

When asked their views on the media strategies of campaigners, opinion was split among policymakers. While some highlighted examples of 'savvy' media work and areas of collaboration, others deemed it ineffective, unnecessary or even a nuisance.

*Media Work as Ineffective or Unnecessary*

Claimsmakers, feeling that their voices are not being heard by government, may sometimes resort to media tactics when they believe that private reassurances have not translated into action (Zetter, 2008: 91). Employing such leverage does, however, carry an element of risk, as politicians, especially Ministers, can be irritated when they choose to pursue their rhetoric through the media (Zetter, 2008: 91). Former Minister A acknowledged that campaigners were "bound to use the media" when the government was "doing something that is not what they perceive to be their interests, and taking policy in a direction they don't like". Yet despite this understanding, Former Minister A viewed a great deal of media work as an irritation and questioned why such actors would "bother" with the media if they were happy with the

direction of policy progress. Expressing a warning that campaigners had “a judgment to make about whether to go to war with a Minister or not”, this type of behaviour was viewed as one way that such actors could potentially jeopardise their insider status.

Former Civil Servant D, describing the different tactics used by claimsmakers, explained that while some preferred to work collaboratively with government, others were “much more overt and would diss us publicly”. It is clear that lobbying strategies are more likely to succeed when Ministers are broadly sympathetic towards their aims or goals (Heywood, 2008: 145). Former Minister F confirmed that campaigners needed to understand whether “the Minister is basically sympathetic and trying to have the same set of policy objectives as they do”. Based on this understanding, he believed that savvy campaigners had to “take a reality check on how much... they need to exercise leverage over the Minister” in public. Competing media strategies affected policymaking decisions in different ways, with Former Civil Servant G admitting that some tactics were “more effective than others”. Other policymakers simply deemed media work as unnecessary. Highlighting the issue of resources, Politician C believed that “if you’re a little organisation and you haven’t got a large budget, do you want to spend all your time firefighting the media or do you want to get into prisons and help women?”

### *Being Savvy*

Despite such viewpoints, other policymakers viewed media work as an important strategic tool and took the opportunity to highlight examples of effective campaigning. Former Minister F appreciated that those lobbying government “need to get attention to affect change”, while Former Minister A acknowledged the important “role for media engagement, because that’s how you create the environment in which people are making decisions”.

Highlighting the communicative strategies of one organisation, Former Civil Servant D was impressed by its attempts at *strategic frame alignment* (Snow *et al.*, 1986) in “getting [articles into] women’s magazines, getting surveys and [readers then] saying ‘oh no I wouldn’t put that woman in custody’”. Praised for employing similar alignment strategies to the Department, she admitted “if you present women in a certain way, the women readership in particular will say ‘gosh I’m quite similar to that’... and they’ll go for it”. Campaigning work with those who were not deemed ‘the usual suspects’ was similarly viewed with admiration. Recalling one organisation’s collaborative work with the Women’s Institute, Former Civil Servant D highlighted that “you’re a screaming feminist if you’re going on about women

offenders, but this was the WI, you know, classic jam and Jerusalem”. Former Civil Servant D “could always tell who was behind” new articles, even when there was no explicit mention of the organisation, and this was viewed as both ‘savvy’ and knowing how to play the game. Taking on responsibility to educate journalists was also viewed as particularly helpful. Civil Servant D recalled that one campaigner “went into prisons with the media... and they had the shock going in, it’s a nightmare”.

### *Working Collaboratively*

Despite the array of criticisms, interviews did however reveal evidence of collaborative working between the Department and campaigners, where the latter pursued media work on behalf of the former. Ministers wishing to pursue a particular policy routinely seek wider support in order to imbue it with greater legitimacy and credibility (Dorey, 2005: 36) and one way of doing this is through public presentations and media. Former Minister F neatly explained that “I can’t just walk on the plank and step off. So part of that was [for claimsmakers] to try and help prepare the ground”. Former Minister A similarly admitted that “we might gently wink at them; we might need a media campaign in order to advance a position that might commonly be held”. Empirical evidence revealed that inside actors helped to float new ideas in the news media. Former Civil Servant G recalled that “Juliet Lyon did articles. Frances Crook did articles... That’s where we got the traction”. As far as she was concerned such campaigners “did the government a lot of favours because it is very very hard to get any interest”. In further evidence of collaborative work, both Ministers and civil servants would routinely know “what was coming out” as many campaigners sent advance warning of press releases and policy documents. Alluding to reformist sympathies within the Department, Former Minister F was relaxed about such content “because at the end of the day, although there may be a gap between us, the direction of travel will be the right one to go in”.

### *Private Activities*

For those engaged in policy analysis, uncovering the truth in the British political system, which can be ‘broadly characterised as closed, elitist and secretive’ (Kavanagh *et al.*, 2006: 425), is an extremely difficult task. Hogwood stated in 1987 that:

‘We should not confuse the public prominence of political activities with the intensity of government concern... much of the most important discussion about shaping public policy in Britain takes place in private’ (1987: 1).

In attempts to learn more about the strategies employed by penal reform claimsmakers operating as a policy network, uncovering what goes on ‘behind closed doors’ is therefore of crucial importance. Empirical evidence revealed that it was the more traditional private lobbying strategies that *remained* of upmost importance in the field of women’s penal policy. Consistent with Best’s model of ‘insider claimsmaking’ (2013) and Loader’s ‘platonic guardians’ (2006), policymakers viewed private relations, meetings and advice as far more important than media work. Ministers and civil servants placed a great deal of importance on the issue of trust and information was routinely shared among key campaigners. Civil servants worked particularly closely with campaigners, describing them as ‘critical friends’, and valuing their input in the policy process. While dismissed to a certain extent by Ministers, it was through these relationships that many of the ideas of the smaller organisations were able to influence policy development. As reflected in chapter five, campaigners’ reticence to discuss the private aspects of their strategies and the nature of their relationships within the ‘corridors of power’ adds further confirmation to their insider status. As the characteristics expected of an insider include discretion, responsibility and confidentiality (Kavanagh *et al.*, 2006: 424; see also Maloney, Jordan and McLaughlin, 1994: 20), it is clear to see why they were unprepared to jeopardise this position. It was the policymakers, therefore, who were able to provide more descriptive accounts about this private aspect of the policy process. Discussions focused on the importance of building trust, the claimsmaking hierarchy and the existence of blurred boundaries.

#### *Building Relationships and the Importance of Trust*

In the policymaking world, personal character and reputation count (Rock, 1995: 4). The relations that develop between institutionalised interests and governments are therefore of crucial importance to the policymaking process (Ismaili, 2006: 265). Having key campaigners “on side” was considered vital by Former Minister F who believed that the Department needed “to deal with them” and not discount their views as unimportant. Campaigners had an ever-scrutinising eye on activities in Parliament, and Former Minister F explained that “if I stand up

and say X in the House of Commons, then I'm going to get a reaction from these organisations". A reaction could be anything from "absolutely dreadful Minister through to: very much want to help you". To try to avoid negative media reaction it was therefore important to involve key campaigners in advance of statements or announcements "to tell them what we were doing". Former Minister F stressed his desire to work collaboratively with campaigners, explaining that although "they knocked on the door, I also wanted to hug them close". In hugging campaigners 'close' there was less of a chance that they would speak negatively in public. Former Civil Servant G was similarly clear that "Frances Crook and Juliet Lyon. I'd rather have them there [on side] than heckling me from the audience".

Governments often turn to pressure groups for pertinent opinion, specialist data and analysis (Keefe and Ogul, 1964: 367; also Maloney, Jordan and McLaughlin, 1994: 36). This reciprocal relationship was confirmed by Former Minister F who wanted access their "expertise" while at the same time getting "them to understand what we were trying to do". It is clear that some considered the sharing of expertise and resources as important. Former Civil Servant D recalled that one former Minister (E) would say things like "can someone get Juliet Lyon to come in and see me, this is important, we need to be pushing". Campaigner expertise was also viewed as providing legitimacy to "help persuade [other gatekeeping] officials". Policy officials in the Department needed little persuasion as they too were operating closely with campaigners (albeit through different channels). Close relations had been forged with certain campaigners and Former Civil Servant D explained that "nothing we did in the women's policy unit would have happened without the critical friends". Former Civil Servant D revealed that one campaigner "would talk to me when things were going on. I would never ask her 'well who are you going to be talking to?' but implicit in that, you could trust". This symbiotic relationship, together with an inside understanding about what the government was trying to achieve meant that, on the whole, campaigners refrained from engaging in critical media work, preferring to operate in close collaboration with the Department in the development of women's penal policy.

### *The Claimsmaking Hierarchy*

While literature continues to point to the important role of pressure groups in the policy process, Rhodes, in his most recent empirical study of British government has conceded that the network approach to policymaking may not be as pluralist as previously assumed. Rhodes

found that Ministers viewed such groups as just ‘one of several balls that had to be juggled’ (2011: 235), and empirical evidence gathered during this study supports his renewed assertions. While most former Ministers (from across the political spectrum) viewed penal reform campaigners as marginal players, some wished to “hug them close”, making use of their information and expertise. Yet despite the existence of a clear hierarchy, it would be fair to say that, given the niche nature of this area of public policy, most campaigners were afforded a ‘seat at the table’ during key policy discussions.

The basic aim of insider groups is to ‘establish a consultative relationship whereby their views on particular legislative proposals will be sought prior to the crystallisation of the government’s position’ (Grant, 1978: 2). In terms of women’s penal policy the ‘consultative relationship’ between the Department and campaigners manifested itself in a great many meetings and roundtable discussions. Confirming Maloney, Jordan and McLaughlin’s assertion that the state accepts as insiders only those with which it is predisposed to agree (1994: 22), Former Minister F recalled that he was happy to engage with campaigners because “virtually all of the lobby groups who were engaging with us were supportive”. Former Minister A was similarly “quite happy to have regular contact... because on the whole they were on side with what I was trying to do”. Former Minister A explained that it was his role to “try and corral [campaigners] into groups to give them some discipline in how they get their message across”. He was impressed that certain campaigners had done this automatically and that “the Corston Coalition has brought together people interested in women’s criminal justice issues”, for example. The Department also had responsibility for organising campaigners into groups which would meet “annually, biannually, quarterly”. Many of the campaigners attended these meetings, and as Former Minister A quipped, “you’re constantly meeting them on the circuit”. There is of course a crucial distinction between meeting on the ‘circuit’ and enjoying regular Ministerial access.

As highlighted in chapter five, it is clear that ‘some groups achieve highly effective access almost automatically, whereas it is denied to others in spite of their most vigorous efforts’ (Truman, 1951: 321). Schattsneider’s historic distinction of the ‘differentiated nature of access’ (1935) was confirmed by former Ministers and civil servants, who, based on their historic legacies as much as their current leadership, enjoyed closer relations with some campaigners than others. Former Minister F explained that he used to meet regularly with “Juliet Lyon, Frances Crook... We would have formal one to one meetings where they would



raise issues that concerned them... They would try to get an understanding of where I was trying to get to". Former Minister A confirmed that the more "prominent" groups in the field "such as the *Prison Reform Trust* and the *Howard League* and their two heads will have more regular meetings". Other, less high-profile campaigners would conversely have to "work quite hard [for a meeting] because they're quite small and there's only a limited amount of time". Revealing his high level of dependence on civil servants, Former Minister A explained that he regularly delegated this work to senior officials so they would "manage those relationships for you. So while they may not have been meeting me, they're meeting with the officials".

### *Blurred Boundaries*

In addition to collaborative media work, interviews revealed evidence of collaboration in private. While it is clear that most of the campaigners were involved in policy consultation, it would seem that certain key players yielded more influence than others (Maloney, Jordan and McLaughlin, 1994: 19). Some campaigners were invited in or 'hugged close' by the Department as it tried to make use of their knowledge (Maloney, Jordan and McLaughlin, 1994: 21) and in the case of the *Corston Independent Funder's Coalition* (CIFC), due to its substantial financial resources. In 'buying in' external expertise, Department policy resulted in even further blurred boundaries between the core executive and the voluntary and charitable sector.

The existence of blurred boundaries in the policymaking process was highlighted by Nettle in 1965 when he suggested that the government 'tended to draw in chosen individuals and groups from the periphery, absorbing them while preserving their outward shell of autonomy and independence' (1965: 22). Empirical evidence suggested that this was very much the case in the sphere of women's penal policy, yet policymakers recognised that independence (or perceived independence) was an important consideration for campaigners. Former Civil Servant D admitted that "I don't think anyone knew how much [we]... were working with the pressure groups. I don't think these folk would have wanted the world to know how closely they were working with us. Because it could damage their reputation". The issue of being 'in bed' with government was highlighted by Former Minister A who believed that key players "ha[d] to be... if the *Howard League* decided to go off and say the world is coming to an end and the government is dreadful then they've destroyed the relationship with their main partner. So it would be quite heavy for them to do that". It is widely recognised that in having a cosy relationship with those in power, campaigners might feel pressured to water

down demands and stifle criticism so as to avoid upsetting ‘friends in high places’ (Whiteley and Winyard, 1987: 10; see also Kavanagh *et al.*, 2006). One policymaker believed that several campaigners had been incorporated. Former Civil Servant D, for example felt that the insider status of one campaigner made it difficult for her to be critical of government, as she was increasingly “compromised by her position, in a way”. Such a viewpoint is consistent with Carlen’s (2002) notion of ‘carceral clawback’, and that in that accepting policies to improve (rather than *remove*) prison conditions, reformers simply help those in power to re-legitimise prison as the ‘normal’ for punishment for women offenders.

Interviews also revealed that some working relationships with campaigners were more transparent than others. Former Civil Servant D confirmed that there were “lots of private meetings. I don’t think it is played out so much in the media... there’s lots of covert stuff that goes on”. Unbeknown to members of the general public, the Department “paid for one post in [the] *Fawcett* [Society] to give us that outside view. So we were in a sense saying, look steer us”. Acknowledging that campaigners could sometimes “overstep the mark”, Former Civil Servant D recalled that having become used to a regular seat at key meetings in the Department, one campaigner “twice came to a media group at the Home Office and she was actually asked to leave. Because they said well you’re a pressure group, will you go”? Such cosy, insider relations were to change following the election of the Coalition government in May 2010.

#### vi. Political Ideology and Policy: Changing Relations with Campaigners

This study adds weight to the argument that politics and policy are almost inseparable (Barton and Johns, 2013: 36), with clear implications for agenda-setting. Penal reform is typically viewed as a left-wing concern and this is evidenced by the ideological common ground shared by those working on the women’s agenda under the New Labour government. Following the election of the Conservative-led Coalition, empirical evidence revealed that the Department viewed women’s offending as a ‘lesser social problem’ (Hilgartner and Bosk, 1988). Such a change in direction had immediate implications for its status on the policy agenda. While the main focus of this study is on the development of women’s penal policy under New Labour (including the ‘policy window’ (Kingdon, 1984) that preceded the ‘Corston reforms’),

interviews took place following the election of the Conservative-led Coalition government. As the election was to have important consequences for the status of women's penal policy on the policy agenda, the penultimate section of this chapter will briefly document the changing nature of relations between campaigners and policymakers.

'The political power of pressure groups... depends more on the government's *perceptions* of them than any objective power that they might have' (Smith, 1990: 210, emphasis added) and at the time of fieldwork, campaigners were anxiously awaiting their role in the Coalition's long-awaited '*Strategy*' for women offenders. Having enjoyed close, consultative relations under the previous administration, campaigners were also faced with the task of building relationships with a new team of Ministers. The lack of a comprehensive policy direction was proving frustrating for many, who could neither support nor oppose objectives that had yet to be published. Certain campaigners were endeavouring to work with the Department until it became clear that the agenda was not going in their preferred direction. Former Civil Servant D understood that campaigners could only hold the government to account "if the government's got a strategy. If they're not saying what they're doing, how do you then act as a taskforce?" Debating whether previous strategies would work under the new political administration, Former Civil Servant D questioned "if [X] retains her normal approach which is softly, softly, talk nicely to Ministers, there is a growing feeling in the face of nothing that it's not going to have any impact. That actually you've got to start hitting really hard". Highlighting the need to change insider strategies, Former Civil Servant D believed that "if you've been trying for all these years and not getting much of a chink, you've got to [try a different approach]".

The difficulty for campaigners and civil servants alike was that women offenders were not seen as a priority by the new Justice Ministers, and therefore not in need of a separate strategy. While acknowledging that the women's penal reform network was effective, Former Minister A believed that it was also "way overrepresented, prisoner for prisoner". Recalling an early meeting with the women's policy group he was shocked to find "twenty officials at the table. It was quite extraordinary". Viewing the issue as a 'lesser social problem' (Hilgartner and Bosk, 1988), he "didn't object to the case being made, [but] objected to the Ministry of Justice response to it". Ministerial priorities soon affected officials in the Department. The women's policy unit was disbanded, with Former Minister A confirming that he cut the number of those working on the policy: "because it was unbelievable the focus of the last government, in this

one small area". The new Justice team did not feel the need for a dedicated 'Ministerial Champion for Women', a concern for campaigners who were anxious not to lose any precious political momentum they had gained. Recognising their frustrations, Former Minister A stressed that he was "more concerned about getting on with the job". Appreciating this 'packaging' issue, his downfall in hindsight "was that I expected others, media included, to understand that what I was doing was the right thing".

Yet it was not only campaigners that were concerned with penal progress for women. In July 2012 the Justice Select Committee announced its decision to hold an inquiry on *Women Offenders*. Five years after the publication of the Corston Report, its aim was to review progress and examine the government's current strategy for women in the criminal justice system. Signalling a change in outward focus at least, Helen Grant MP was appointed as a Justice Minister following the Cabinet reshuffle that September. With specific responsibility for women offenders, campaigners believed that Grant would place immediate focus on the women's agenda, yet it was not until giving oral evidence to the inquiry in March 2013 that a short briefing paper on the government's broad policy objectives was produced. Admitting that it was more of a 'holding strategy', Grant refuted accusations that the Corston reforms had stalled under the Coalition government. When asked why there was no 'critical mass of women Ministers' working on the agenda (as had been the case in the previous government), she announced that a new advisory board would fulfil this role. Signalling the Department's desire to work with campaigners she anticipated 'membership from criminal justice partners and stakeholders but also from other government ministers and officials' (2013: Ev54). As documented in chapter three, responsibility for women's penal policy subsequently experienced a game of 'musical chairs'. Grant was shuffled from her role in October 2013 and replaced with Liberal Democrat, Lord Tom McNally. Following McNally's move to the Youth Justice Board in early 2014 responsibility for women in the justice system fell at the door of Liberal Democrat, Simon Hughes MP. The recent election of May 2015 has resulted in Conservative Caroline Dinenage MP now assuming responsibility for the role. While the renewal in focus for women (certainly in the last half of the previous government) was viewed as a step forward by many campaigners, penal progress for women is still best analogised as Corcoran's up-and-down journey of 'snakes and ladders' (2010).

## vii. Conclusion

Drawing the views of different actors operating in the Ministry of Justice together for the first time, this chapter is an important contribution to developing understandings of penal policymaking and the role of organised interests in this process. Interviews confirmed that all former Ministers (from across the political spectrum) did not consider pressure from campaigners or coverage in the media as important precursors for policy change in this domain. In stark contrast to literature documenting the agenda-setting power of networks (Marsh and Rhodes, 1992; John, 2012), Ministers did not view penal reformers as exerting any agenda-setting influence whatsoever. Consistent with the standpoint of Jordan and Cairney (2013), evidence would therefore support the practical application of the Westminster model, in the eyes of penal policymakers at least. Yet while Ministers did not place any great importance on their relations with penal reform campaigners, it would be erroneous to conclude that such actors do not play a role in policymaking. On the list of official consultees, and holding regular meetings with officials, it is in this way that campaigners are able to feed into the policy process. During the New Labour administration it was clear that some campaigners enjoyed extremely close working relations with policy officials in the Department, taking part in negotiations to which they would not routinely be privy. Such a blurring of boundaries was reconfigured following the election of the Coalition government when more formal relations were restored. In underlining the crucial influence of politics on the policy agenda this chapter has evidenced that while viewed as a serious policy problem by the New Labour administration, the same issue was downgraded to a 'lesser social problem' (Hilgartner and Bosk, 1988) by the Coalition. It remains to be seen how the newly-elected Conservative government will develop women's penal policy.

In addition, those former Ministers interviewed for this study also viewed the news media's agenda-setting power as limited. Citing it either as unnecessary to the agenda or just plain destructive, they preferred to pursue their strategies away from the media glare. Despite such viewpoints, it is clear that the Department did engage in news framing activities, certainly in the run-up to the Corston agenda. The attempts to influence public opinion on this matter (using humanitarian discourse) were clearly limited, and it would seem that in this domain at least, policymakers face similar struggles to penal reform campaigners. Information about women's penal policy was not routinely picked up by journalists, and news media were

considered as dominating the major topics of discussion in the penal sphere, often in a negative way.

As a consequence of the above, use of the news media by campaigners was considered an irritation by Ministers who preferred to discuss key issues in private. Empirical evidence once again supports Best's (2013) model of 'insider claimsmaking' as the most accurate description of policymaking in this domain (see also Grant, 2004). In so doing, it is possible to draw similarities with the Post-War 'platonic guardians' (Loader, 2006) that operated in the corridors of power half a century ago. In light of such evidence, and in synthesising the key themes presented in all three empirical chapters, the following chapter will debate future prospects for women's penal reform campaigners.

## 8. Future Prospects for Women's Penal Reform

### i. Introduction

This study has researched and evidenced the multi-faceted nature of contemporary penal policymaking. In so doing, it adds weight to the importance of recognising the number of complexities inherent in the social problems process (Best, 2013): the political culture and dominant ideology of the time (acting as an enabler or inhibitor to policy change); the official, institutional agenda and its 'carrying capacities' (Hilgartner and Bosk, 1988); the framing and (re)construction of policy problems and the omnipresent 'threat' of negative public opinion. Taking such complexities into account, this chapter will discuss the multifarious interplay between penal reformers, journalists and policymakers at the crime-media nexus. This study has, for the first time, shed light on the particular difficulties experienced by those campaigning to reform women's penal policy. In critically analysing such difficulties and relating them to developing understandings of the policy process, this chapter will address the theoretical building blocks in *reverse* order. Tackling each stage this way will enable the various barriers to policy reform to be deliberated before a more focused analysis of claimsmaking strategies can take place.

While many political commentators (see Rhodes, 2007; Ryan, Savage and Wall, 2001; Richardson, 2000) continue to highlight the agenda-setting dominance of networks, evidence gathered during this study questions some of these assertions. Considering the agenda-setting power of campaigners, part two will revisit the Westminster and governance models in its analysis of penal policymaking. Agenda-setting theory will also be considered in part three, where the role of the news media in the process of policy reform will be debated. Part four will revisit Loader's (2006) concept of the 'platonian guardians' in its analysis of the lobbying strategies employed by contemporary penal reformers. Arguing that it is Best's (2013) model of 'insider claimsmaking' that most accurately describes this aspect of penal policymaking, it will consider the prospects for those working this way. Having outlined the various barriers to women's penal reform emanating from the policymaking and newsmaking spheres, part five will synthesise Snow *et al.*'s (1986) concept of strategic issue framing with Rutherford's (1993) competing penal ideologies, in order to outline a number of practical campaigning suggestions.

Taking the above findings into account, part six will discuss future avenues for women's penal reformers. Part seven will conclude with a brief synopsis of the main points.

ii. Policymaking Prospects

*Campaigners and the Policy Agenda*

Following the work of Rhodes (1997; 2007), Ryan *et al.*, (2001) and Richardson (2000), this investigation into the claimsmaking strategies employed by the penal reform network employed a pluralist, network-focused approach from the outset. The network thesis is widely supported in political science and policymaking literature, with analysts arguing that policy often emerges as a result of pressure or influence from networks, even if formal authorisation comes from politicians (John, 2012: 57; see also Richardson and Jordan, 1979; Rhodes, 1997, 2007). However, empirical evidence gathered during this study challenges the universal application of this approach. It is important to stress the limited generalisations that can be made from a case study of this size (focusing on a niche area of public policy), yet the admission from all former Justice Ministers that they considered penal reform campaigners as holding little power, influence or impact on the policy agenda was surprising. Such viewpoints were highlighted in the previous chapter by Politician C in her confirmation that "the stars that were aligned were nothing to do with any campaigning organisation". This statement, indicative of the viewpoints of the former Justice Ministers that participated in this research, exposed that, contrary to contemporary understandings, penal pressure groups (whether acting as insiders or otherwise) may not have as much leverage on the policy process as originally assumed. Furthermore, Ministerial participants (including the very influential Politician C) acted with bemusement when questioned about the role of penal reformers in the policy process at all.

Despite the decades of campaigning on this issue, it was clear that they considered the impetus for reform as the series of suicides in HMP Styal in the mid-2000s. One former Minister explained that government attention was already focused on this issue due to the "critical mass" of female Ministers operating in and around the justice and equalities briefs. It was the action of *these* women (operating as part of the institutional agenda) that was deemed crucial to ascendance of women's penal policy to the top of the policy agenda. Given the dominance of the network approach in the policymaking literature and the perceived nature of collegiate



relations among this extremely small group of female policy actors, such viewpoints were unexpected. While it is perfectly understandable that some policymakers might wish to play down the influence of outside forces, those former Justice Ministers interviewed for this study (from across the political spectrum) afforded no agenda-setting credit to the work of the penal reform network *at all*. What is all the more surprising is that two of the former Justice Ministers (and Politician C) constituted the ‘critical mass’ of key players in operation at the height of the Corston agenda (and were politically aligned to the viewpoints of campaigners). Empirical evidence therefore supports Rhodes’ more recent admissions that ‘policy networks and their concerns [were viewed as] one of the several balls that had to be juggled’ (2011: 235) by Ministers, and that the network approach might not be as pluralist as previously assumed (2011: 135). Given the nature of insider relations and the previous level of collaborative work, this is another interesting finding. One straightforward answer to the above viewpoints is that unlike other lobbyists (such as those working in the banking sector, for example), penal reform campaigners have no leverage on the government, and cannot threaten the loss of revenue or hundreds of jobs. Instead, they campaign on an issue of limited political interest, and are left to react to changing government agendas.

While former Ministers may have viewed penal reformers as exerting no agenda-setting dominance on the policy process, their opinions were somewhat clouded by the viewpoints of former civil servants who had worked with such actors. Given the niche nature of women’s penal policy, there were very limited numbers of officials working in the *Criminal Justice Women’s Policy Unit*, even at the height of the Corston-era. The three former officials (two of them having held senior or management positions) that participated in this research therefore constituted a large percentage of the participant pool available. Their experiences, documented for the first time, were crucial in enabling the advancement of theoretical understandings of the policy process in this domain. Former civil servants operated in the middle territory, acting as arbiters between Ministerial demands and campaigner pressure. Given Ministerial time constraints, it was they that had the majority of contact with penal reformers. As such, they were perfectly poised to understand the diverging viewpoints and strategies of both sets of political actors. While their experience of everyday policymaking exposed an approach that was top-down (confirming the agenda-setting power of former Justice Ministers), all three former civil servants referred to their important relations with campaigners, described as their “critical friends”. While perhaps not having the agenda-setting

dominance that some commentators would expect (and therefore contradicting the viewpoints of John (2012) above), penal reformers did have access to the corridors of power (even if this was meeting officials rather than Ministers), were on the list of official consultees, and as revealed by Former Minister F, did have the ultimate recourse of seeking critical media coverage if they so desired. Viewed this way, it would be wrong to denounce the agenda-setting credentials of penal reformers entirely, but it is also important to stress the restricted nature of their influence. Such findings, while limited, plug into wider considerations of government policymaking, and in particular the universal application of the network thesis.

Deliberating the utility of the network approach leads to a consideration of the theory to which it is diametrically opposed. The Westminster model refers to 'top-down, government-knows-best policymaking in which... Ministers make tough choices unencumbered by the need to compromise and negotiate with actors outside government' (Cairney, 2012: 1). Consequently, as Cairney explains, 'consultation with 'pressure participants'... is minimised' (2012: 1). All former Ministers interviewed for this research believed that they were responsible for determining the direction of policy, whatever their individual role in the process. Although coming from divergent ideological persuasions, their viewpoints, taken together, could point to the continued dominance of the Westminster Model as the most accurate description of policymaking in this domain. It is of course natural that high profile public figures might think this way, and almost impossible to quantify the levels of influence that penal reform campaigners are able (or have been able) to exert on government policymaking. This contribution to *interpretive* political science, with a focus on how political actors interpret their own social world, has therefore confirmed that the policy process is viewed differently by actors operating in the same, small policy network.

Outright support for the Westminster Model is controversial. Cairney, for example, has argued that the 'muscular image' of the Westminster model reflects and reinforces a skewed image and faulty understanding of the 'British policy style' (2012: 2). Recognising the 'enduring conflict' of interpretation between the Westminster Model and policy network approaches, Jordan and Cairney (2013), have also stressed the outdated nature of this traditional approach (replaced by contemporary understandings of governance). While this statement, empirically tested in other policy domains, may have been accepted at the outset, evidence gathered during this study points to a more nuanced understanding of the penal policy process. In attempts to provide a level of theoretical rigor, Jordan and Cairney (2013) have warned that

policy scholars should reject the ‘appealing compromise’ of adopting parts of both models. Yet the reality may not be that straightforward. It is clear that the Westminster model remains dominant in the eyes of politicians and some sections of the media (2013: 234); campaigners were also keen to stress their limited agenda-setting credentials (or at least talk them down). It would be wrong, however, to state that in this domain the contemporary penal policy landscape could be adequately described using either model. At risk of adopting the ‘appealing compromise’ warned against by Jordan and Cairney, empirical evidence gathered during this study points to a more synthesised approach. This approach, while confirming Ministerial dominance and the limited agenda-setting power of penal reform campaigners, simultaneously highlights the inability of the traditional model to adequately describe the contemporary system of governance. The level of involvement of campaigners in the administration of criminal justice policy cannot be denied. All campaigners were considered insiders and most enjoyed (to a greater or lesser extent) relations with the Department. Given that some (not necessarily the larger, resource-rich organisations) have contractual involvement in policy implementation (running offender services for women, for example), they are imbued with more legitimacy than would otherwise be the case. This situation provides further evidence of the increasingly blurred boundaries of the state, (blurred further still with the implementation of the Community Rehabilitation Companies, themselves a mix of third sector and private), and it brings an unhelpful opacity to those wishing to find black and white distinctions in this particular policy domain. Although noted over thirty years ago, Whiteley and Winyard’s conclusion that network players were ‘influential rather than powerful’ (1983: 22) remains a more accurate description of the position of penal reformers in the penal policy process.

### iii. Newsmaking Prospects

#### *Campaigners and the Media Agenda*

According to media-centric accounts of the policy process, journalists’ reporting of claimsmakers is fundamental, allowing their issues to reach a broader audience of the public, the policymaking elite and other interested specialists. McCombs (2014: 132) has argued that the media agenda is shaped by three major elements: major sources, other news organisations

and journalists' norms and traditions. If the subject matter is able to satisfy these interlinked elements then it is likely that claimsmakers will receive agreeable coverage. Yet in order for stories to be covered in the news media, they need to have satisfied a variety of newsworthy credentials. These credentials, outlined by Chibnall in 1977, and later updated by Jewkes (2004), include dramatization, titillation and novelty, and are fundamental precursors to news coverage. This study has highlighted that as the subject of women's penal policy reform is not (and never has been) considered newsworthy by journalists, low levels of news coverage are to be expected. While the early amalgamation of stage three of Best's (2013) original natural history model (that of 'public reaction') into the new building block of 'newsmaking' (including the filtering of public outrage) retained theoretical space for public involvement, empirical evidence soon confirmed that in this policy domain at least, there is extremely little 'outrage' to filter. Relatively few members of the public are aware of the issues surrounding women's offending, and there are certainly no widespread calls to reduce the female prison population. As highlighted in chapter three, while the suicides in HMP Styal did garner a larger amount of coverage than the issue would normally receive, this still pales in comparison to the levels afforded to other policy problems. With newspapers acting as a thermometer for public concern, empirical evidence confirms the status of this issue as a 'lesser social problem' (Hilgartner and Bosk, 1988).

Journalists' interest in this subject – and consequent framing behaviour - is an important consideration in itself. Believing it was their role to reflect public opinion, those working for left-leaning newspapers were keen to foster a reasoned debate (albeit an extremely limited one), while those working for right-leaning newspapers adopted a more punitive stance, drawing on stereotypical representations of female offenders and framing new cases of female offending using entrenched media 'templates' (Kitzinger, 2000). Distorted and unhelpful coverage, in the right-leaning press at least, meant that many journalists had assumed the role of 'non-compliant partner' (Hilton *et al.*, 2013) working to further marginalise traditional penal reform messages. With an ideological stance running at a considerable distance to that of the penal reform lobby, they believed it was the 'counter-defining' agenda of campaigners that ran contrary to the wishes of the general population (who do not support widespread decarceration for women offenders). Consistent with the findings of Schlesinger and Tumber (1994), evidence revealed in chapter six confirmed that penal reformers are not

major news sources and operate on the periphery of the metaphorical media 'onion' (McCombs, 2014) with extremely limited (if any) influence on the media agenda.

What confuses this conclusion is that individual cases of violent female offending (constituting an extremely small and unrepresentative section) are considered extremely newsworthy, due to their rarity and the gender-role expectations that they break. Viewed this way, the issue of female offending is therefore framed as un-newsworthy or extremely newsworthy, depending on the specific details of the case. Operating as marginalised media players in the main, campaigners are left to react to sensationalist and distorted media coverage, and it is understandable that several choose not to engage in this work. Having taken part in punitive public debates about 'scandalous' cases (with their own agenda marginalised), interviews revealed that some campaigners had become 'dispossessed' (Best, 2013), giving up on media coverage altogether and viewing private, insider strategies as the only viable pathway to reform. Yet whether 'dispossessed' or simply disheartened, media coverage was viewed as a secondary concern by *choice*. The results of this study therefore run counter to the media-centric accounts of the policy process (in addition to Best's (2013) natural history model of the social problems process see also Baumgartner and Jones, 1993; McCombs, 2014; Kenamer, 1994; Dearing and Rogers, 1996) and the viewpoints of Hilton *et al.* (2013: 145) who have argued that political lobbying is at its most effective when actors bypass the traditional (Westminster) arena. While media work may be crucial in other policy domains, it is important to keep in mind the emotionally-charged nature of penal policymaking that distinguishes it from other lobbies. As highlighted at the beginning of this study in a quote from the Chairman of the *Howard League for Penal Reform* in the 1970s, 'there is a danger in a pressure group in the penal field broadening its appeal to the public... penal reform does not instinctively strike a sympathetic chord with large numbers of the public' (in Blom Cooper, 1977: 7). With the agenda-setting press pursuing issue frames that are at odds with the traditional messages of penal reform campaigners (supporting Jewkes' (2004) news value of the right-wing consensus), certain news outlets are able to act as inhibitors to progressive penal policy change. Driving this issue further underground, it is easy to see why some campaigners have resorted to using more traditional methods.

Empirical evidence therefore revealed the existence of a framing stalemate between the news imperatives (and general lack of interest) of many journalists (mainly, although not exclusively, those working for right-leaning newspapers) and the issues of concern to penal

reformers. Presenting a clear obstacle to news coverage, several campaigners deliberately chose to pursue their objectives out of the media spotlight entirely. While it is noteworthy that three journalists (working for, or having worked for, left-leaning newspapers) were sympathetic to private strategies, it is important to consider that since the 'platonic guardians' operated in the corridors of power over half a century ago, the public sphere has experienced a paradigm shift. In the 24-7 'mass-mediated reality' (Nimmo and Combs, 1983), meaning is socially constructed through a process often dominated by the mass media (Johnson-Cartee, 2005: 4). Those operating behind closed doors consequently leave themselves open to widespread critique for their potentially undemocratic dealings (see Green, 2009; Loader, 2010).

Having highlighted the viewpoints of both journalists and policymakers, and the limited ability of penal reformers to influence either the media or policy agendas, it is important to stress that future prospects need not be dismal. While recognising the limited utility of media work, campaigners have much to benefit from higher levels of media coverage (if only greater political legitimacy), albeit in a limited capacity. In operating through greater numbers of channels, they are also able to refute accusations of undemocratic dealings. So while perhaps a secondary consideration, developing a better understanding of the news production process is an important undertaking. As neatly summarised by Solomon:

'If those who work in the criminal justice sector want to use the media to convey their messages more effectively they must begin to understand why it is prone to distort the facts and exaggerate. It is also vital to recognise the social and political environment that the media operates in. Only then will organisations be able to realise the limitations of using the media, that it is naïve to expect newspapers and broadcasters to be responsible conduits of information, and to develop *more effective communication strategies*' (2005: 35, emphasis added).

Developing a greater understanding of framing theory (and doing this in line with key news values) is therefore key. Focusing on the importance of rhetoric in the claimsmaking process, the following section will argue that through engaging in a reflexive practice of strategic frame alignment (Snow *et al.*, 1986), campaigners will be better placed to influence public debate on

matters of penal policy. In so doing, they may improve their agenda-setting credentials in both the newsmaking and policymaking spheres.

#### iv. Claimsmaking Prospects

##### *Framing Women's Penal Reform*

In seeking to uncover the penal reform rhetoric that is most likely to resonate with policymakers and journalists, this section will synthesise Snow *et al.*'s (1986) criteria for adaptive framing with the dominant penal philosophies identified by Rutherford (1993) and latterly Mills and Roberts (2011, 2012). It is the first time that Snow *et al.*'s model, developed in the American political sciences, will be considered in conjunction with penal reform philosophies as they relate to women offenders.

Heavily influenced by Best's (1987, 2013) research on social problems, claimsmakers and the policy agenda, this research adds further weight to the importance of rhetoric in the policymaking process. Snow *et al.* (1986) argued that while choice of language is important, so too is the social psychological way that it is presented. In developing their rhetorical strategies, political actors must therefore consider a range of adaptive justifications or 'frame alignment processes' (relating to Best's (2013) interpretation of the *warrants* stage in the formulation of claims). Snow *et al.* defined frame alignment as the degree to which individuals' interests and belief systems match those of the claimsmaking actors. If following the advice of Snow *et al.*, penal reform campaigners must think more strategically about the target recipients of their messages. They are able to do this via a number of ways:

- *Frame bridging*, the linkage of two or more ideologically congruent but structurally unconnected frames regarding a particular issue or problem (1986: 467).
- *Frame amplification*, the clarification and invigoration of an interpretative frame (1986: 469).
- *Frame extension*, extending the boundaries of the original frame so that it encompasses interests and points of view that are incidental to its primary objective of considerable salience to potential adherents (1986: 472).

- *Frame transformation*, where erroneous beliefs or ‘misframings’ must be reframed in order to garner support (1986: 473).

While it is important to consider that campaigners may already operate such processes in varying degrees and at different points, it is possible to identify evidence of several actors adopting the above techniques. At the time of fieldwork (2011-2012), and in the months prior to the Justice Select Committee’s Inquiry on ‘*Women Offenders*’, the March 2013 publication of the Coalition’s eight-page ‘*Strategic Objectives for Female Offenders*’ and the subsequent formation of the Women’s Advisory Board, many campaigners began to publicly voice frustration about the stalling of the Corston agenda and the lack of government interest in women’s penal reform. Describing processes of strategic *frame alignment*, Campaigner F outlined attempts to “reconnect” messages with “the values of middle England”, while “find[ing] a way of reconnecting penal reform with values that people would go, actually I support that”. Others also believed that the adoption of new framing strategies would improve their lobbying potential. Aware that the previously open door to the corridors of power had somewhat closed, Campaigner E explained that “it’s almost like the way in which we’re doing it, isn’t the way to be doing it anymore, because its falling on deaf ears, it’s not being heard”. Engaged in a process of *frame extension*, Campaigner E recognised that there were others, unconnected to the penal reform network, who held mutual ideological positions. Participating in collaborative work or aligning with other social movements (or policy networks) was consequently viewed as a more strategic way of operating in the wider field of social justice. Operating on the fringes of the media agenda and campaigning for a ‘lesser social problem’ (Hilgartner and Bosk, 1988), such a strategy encourages campaigners to spin their original messages so that they could be relevant in other policy domains (such as welfare and health), for example.

As highlighted by Best (2013: 45), adaptable claimsmakers in the social problems marketplace routinely enter into a process of re-framing, revising their rhetoric until they develop a persuasive argument. It is here that penal reform campaigners might benefit from a review of Rutherford’s (1993) ‘working credos’ for penal ideology: punitive, efficiency first and reformative. Rutherford argued that the ‘punitive’ philosophy (currently dominating political discourse) includes a ‘powerfully held dislike and moral condemnation of offenders’ (1993: 11); the philosophy of ‘efficiency’ focuses on ‘smooth management rather than... moral mission’



(1993: 13); and the philosophy of 'reform' centres on a 'minimalist view of criminal justice intervention' (1993: 18). In locating offending within the wider remit of social justice and social policy, it is the last philosophy that is arguably the most ideologically aligned to the majority of penal reform campaigners yet it is undoubtedly the most risky strategy in the current political climate. When considering Rutherford's ideologies in the context of penal reform, it is prudent to reflect alongside more contemporary research conducted by Mills and Roberts (2011, 2012). Mills and Roberts similarly identified the above ideologies in their review of penal reform strategies:

- *Crime fighting*, where it is argued that the crime 'problem' can be better addressed by another criminal justice intervention than prison;
- *Managerialist*, where dispassionate arguments about the financial wastage of prison are made; and
- *Humanitarian*, where the human costs of the high prison population are emphasised, along with arguments about the vulnerability of sub-populations such as women and children (Mills and Roberts, 2012: 9).

Considered with reference to the frame alignment processes discussed above, such ideologies provide a useful basis for the investigation of competing penal reform discourse as it relates to women.

#### *Frame 1: Punitive or Crime Fighting Discourse*

Punitive discourse involves tapping into the 'tough on crime' rhetoric. Those campaigners seeking to use punitive discourse as a strategy to increase community sentences for women are required to successfully articulate that such disposals are a more effective method of payback involving more effort and commitment than a short term prison sentence. Viewed through this frame, the punitive nature of community sentences is emphasised, along with evidence that they are not the 'soft' option that they are widely perceived to be. One persistent issue is that the public have little awareness of community sentences or how they actually work and this is clearly an area for further investigation. While imprisonment is widely understood (through the very nature of custodial establishments) alternatives to custody are complex and wide-ranging (Russell, 2005: 32). Those campaigners successfully tapping into punitive

discourse must abandon their desire to pursue humanitarian claims altogether to focus on the rhetoric of reparation, payback and responsibility (Russell, 2005: 33). Keen to stress that tough or 'crime fighting' strategies were the most effective with policymakers and newsmakers, Campaigner N expressed frustration with colleagues. As far as she was concerned, others needed to "stop this constant focus on women as victims... the language that some people use is very alienating and inappropriate... if you want to bring the government with you, and the media, there has to be a better balance. And constantly wheeling out women to tell their dreadful stories doesn't always work". For those adopting this rhetoric, being savvy meant employing "a messaging structure that doesn't just irritate and annoy the people you are actually trying to get on board".

Perhaps not as explicit, other campaigners alluded to the benefits of adopting such rhetoric. Consistent with Altheide and Coyle's (2006) concept of 'smart on crime', Campaigner N described her desire to work with those who were not considered the 'usual suspects', for example. Using advocates not already branded as reformers and filtering 'smart', common-sense accounts through the 'tough on crime' proposition is a savvy way of influencing the accepted discourse on penal policy (Altheide and Coyle, 2006). In bypassing the 'usual suspects' to campaign in collaboration with police and prison officers, right-wing journalists and politicians, campaigners are able to enter new territory. A further benefit of the punitive strategy is that it fits with the current political climate, and indeed taps into (or could tap into) the concept of penal punitivism. Penal punitivism, although thriving on public misconceptions about crime, has a strong commitment to victims. The rising prominence of the victim, and the symbolic nature of contemporary media accounts is of vital consideration to campaigners who are often, unhelpfully, branded as 'pro-offender' and therefore 'anti-victim'. In filtering accounts through the 'tough on crime' rhetoric, campaigners do not jar with the above concerns.

### *Frame 2: Efficiency or Managerialist Discourse*

Efficiency or managerialist discourse, labelled by Grimshaw as a 'mediating term' (2004: 2), seeks to provide dispassionate arguments about the financial cost of prison, and that money spent on short custodial sentences could be more effectively spent elsewhere (Mills and Roberts, 2012: 9). Those advocating such rhetoric believe in the importance of pragmatic, common sense arguments and seek to remove emotion from discussions of offending and

punishment. Less popular with campaigners, this strategy was advocated by a former civil servant and a journalist working for a left-leaning broadsheet. They believed that a judicious way forward was one that focused on economic considerations about the financial waste of imprisoning large numbers of non-violent women. The 2008 report from the *new economics foundation* (nef) was touted as a major influence for this strategy. One of various studies that included a cost-benefit analysis, '*Unlocking Value*' aimed to provide a dispassionate, financial argument for the increased use of women's community alternatives. While viewed critically by some for its un-transparent methodology, the report argued that for every pound invested in alternatives to prison, £14 worth of social value is generated to women and their children, victims and society over ten years, and that the long term value of these benefits is in excess of £100 million over a decade (2008: 4). Former Civil Servant D was exasperated that more had not been done to champion the conclusions of the research, as it hadn't "even gathered dust on the shelves yet". Managerial rhetoric was also supported by Journalist F who believed that campaigners would make more progress in the right-wing press if they "made the economic argument, because they'll understand it... talk through their pockets". In 'playing the Treasury card' (2010: 361), Loader argued that such a campaigning strategy 'speaks to a language people understand' (2010: 361). While this argument laudably aims to remove emotion from criminal justice discourse, Loader reminds us that its success depends on citizens coming to the conversation as taxpayers rather than victims, or potential victims (2010: 361). As highlighted above, in the current political climate this is an important claimsmaking consideration. Yet while it is clear that campaigners do rely on managerialist rhetoric (a simple review of their websites supports this), this strategy was not volunteered as a standalone campaigning method.

### *Frame 3: Reformatory or Humanitarian Discourse*

In contrast to punitive and managerialist rhetoric, reformatory or humanitarian discourse highlights the human costs of the high prison population and the inability of the criminal justice system to successfully rehabilitate vast numbers of offenders (Mills and Roberts, 2012: 9). It also stresses the inappropriateness of custody for the most vulnerable populations such as women and children (Mills and Roberts, 2012: 9). Given the nature of the subject matter, it is this discourse that is the most ideologically aligned to the penal reform network *as a whole*. Yet of particular interest is that in their research on reform sector strategies, Mills and Roberts

concluded that humanitarian discourse was not viewed as a universally viable rhetoric by campaigners. Providing various reasons for this resistance, Mills and Roberts explained that campaigners did not view such a strategy as possible or feasible, that it was politically unpalatable (given the current political administration) and that it could undermine their work to influence the policymaking process (2012: 29). Furthermore, campaigners feared that pursuing overtly social justice discourse could dilute the influence of the penal reform sector by entering the uncharted territories of welfare, social services and health etc. (2012: 29). Mills and Roberts therefore determined that ‘pursuing an agenda at a considerable distance from the current policy agenda... is unlikely to be considered feasible or desirable by all those concerned about high prison numbers’ (2012: 29). That is because ‘failure to talk tough on crime [has become] akin to political suicide’ (Newburn and Jones, 2005: 74), and, as Campaigner D confirmed: “the policymakers are frightened to death of what will come onto the papers if they are seen to take an unequal approach or a soft approach”. Again, as with economic arguments, humanitarian discourse offers little to those victimised by, or anxious about, crime (Loader, 2010: 357). Instead, it asks society to adopt an open-minded and progressive attitude to offending. Victims often feel angry and let down by a criminal justice system that they believe favours the rights of the offender over their own, and such accounts are becoming increasingly public. Those pursuing overtly humanitarian discourse adopt the riskiest political strategy.

While such considerations help explain the resistance of actors to rely on such rhetoric, in direct contrast to the conclusions articulated by Mills and Roberts, there is limited evidence to suggest that some campaigners are already pursuing (or keen to pursue) overtly humanitarian or social justice rhetoric. As highlighted at the beginning of this section, policymaking is often carried out in several ‘venues’, and there may be incentives to abandon one restricted network in the search for other ways to ‘shift’ the discussion (Richardson, 2000: 1011; see also Baumgartner and Jones’ (1993) concept of venue shopping). Unlike other messaging structures that aim to work *within* the dominant media-crime paradigm, social justice discourse seeks to explore the wider social problem of women’s offending and imprisonment. Highlighting issues of social disadvantage and exclusion, welfare, unemployment, health and education, this standpoint provides a more holistic account of offending behaviour. Keen to move the conversation from its emphasis on *penal* solutions for *social* problems, Campaigner E explained that “if you take away the criminality it gets heard,

it's a social justice issue". Describing a process of *frame extension* (Snow *et al.*, 1986), she discussed work in other policy domains (such as health and welfare), rather than a continued focus on the traditional penal reform network (although this remained the main forum for her work). Such campaigners believed that as far as women's offending and imprisonment was concerned, large numbers of the public 'got it' and were not 'turned off' (as articulated by one journalist) by social justice messages. Highlighting the empirical research that consistently finds people less punitive than the media or politicians maintain (see Roberts *et al.*, 2003), and pointing to previous polls that purported to demonstrate public backing for increased community alternatives for women, such campaigners believed there would be support for a greater feminist agenda. In providing evidence to substantiate their claims, several cited the 2007 *SmartJustice* (ICM) poll conducted by the *Prison Reform Trust*. With just over 1000 respondents, and one of the very few polls ever specifically conducted on public opinion and women offenders, the results determined that the majority of respondents (86 per cent) supported community alternatives for women (along with an element of community payback). While this quantifiable evidence suggests there is public support for alternatives to prison for women, this is clearly an area in need of further investigation and revision, especially if campaigners wish to rely on such evidence to substantiate future strategies. The truth is that there is extremely limited understanding about how the public view female offending and the punishments that they would support, and until more research is conducted it is important to caveat such claims.

### *The Importance of Framing*

It is easy to see why scholars have argued that 'framing decisions are perhaps the most important strategic choices made in a public relations effort' (Hallahan, 1999: 224), and that 'which frame to sponsor, how to sponsor it, and how to expand its appeal' (Pan and Kosicki, 2001: 39) is a crucial consideration. While this section has highlighted the different framing strategies employed by several penal reform campaigners, it noteworthy that conversations about the importance of framing (and the framing methods) were in the rarity. The majority of campaigners, while perhaps alluding to their strategies implicitly, did not articulate their views in such language. It is clear, however, that those campaigners wishing to pursue public conversations have two main options: transforming their messages into rhetoric that is more likely to resonate with right-leaning news publications, politicians and a large portion of the

general public or transforming their messages into a replacement discourse. Snow and Benford argued that frame transformations are more likely to succeed when they have resonance with the public, evoking that which is 'already believed, valued and respected' (1988, in Johnson-Cartee, 2005: 249; also see Gramsci, 1971). Consequently, and as argued by Terkildsen and Schnell, 'interest groups who wish to mobilise broad support would do well to package their issues to appeal to the most commonly held societal values' (1997: 893). By pursuing either 'punitive' or 'managerial' rhetoric, it is clear that penal reform campaigners would be aligning their original claims into those that may be more widely accepted by 'middle England'. Such a strategy was advocated by Lucie Russell, former Director of the *SmartJustice* public opinion campaign, who recalled that 'arguments about money (managerialist discourse) held little sway as did arguments defending human rights of offenders (humanitarian discourse). Most people... did not care how many people were in prison' (2005: 32; see also Garland, 1990: 62). Evidence suggests that, however regrettable, strategies that rely solely on humanitarian rhetoric are likely to have the least influence. It is however important to remember that in adopting a punitive or managerialist strategy, campaigners are simply giving themselves a greater chance of achieving humanitarian outcomes. The issue is simply one of packaging.

This conclusion is *not* to state that overtly humanitarian discourse has no chance of campaign success. There is a clear requirement for campaigners to espouse such language in the continued disruption of the taken for granted understandings of offenders and punishment (Mills and Roberts, 2012: 30). Furthermore, while the possibility of operating in alternative policy domains (such as welfare, health and social services) is an intriguing one, the concept of venue shopping (Baumgartner and Jones, 1993) has not yet been empirically tested in this policy domain. In order to assess the viability of humanitarian rhetoric there is a clear need for more focused research in this area. Such research could explore how social justice messages are interpreted by the public and those deemed unsympathetic to the cause, such as right-wing journalists and politicians, for example.

#### v. Where Next for Women's Penal Reform?

That reform of women's penal policy has been caught up in the punitive momentum is widely acknowledged (see Gelsthorpe and Morris, 2002). Despite the best efforts of those working in

this area, the female prison population has not substantially fallen, and women's penal policy, despite an official 'strategy', has not benefitted from the wholesale changes that Baroness Corston and others have advocated. While there may be several explanations for this stalling, the main reasons identified in this research relate to politics, ideology and finance. This study has argued that the dominant values about crime and criminal justice, widely articulated by right-wing politicians and media outlets, often run counter to the progressive messages that penal reform campaigners seek to publicly articulate.

The complex penal landscape within which campaigners operate is evidenced by the ideologically-opposed meeting of the gendered-humanitarian approach (advocated by the penal reform network, policy officials and some politicians) with the punitive approach (advocated by a large section of the political elite, the overarching political discourse espoused by the current Secretary of State for Justice and the Home Secretary and right-leaning media outlets). Gelsthorpe (2004), Seal and Phoenix (2011) and Player (2014) are among those that have deliberated this challenging paradox. Player has argued that the current dichotomy serves as a less visible, although *fundamental*, impediment to a policy domain that has also experienced practical (i.e. financial) setbacks (Player, 2014: 290). In highlighting that the different forms of rhetoric are not equal, Player has argued that distributive justice (incorporating social justice and humanitarian responses to crime) is subordinated by other, more politically dominant expressions which rest on principles of desert and public protection (2014: 280). The unequal weight placed on these competing considerations has clear consequences for the effective realisation of the Corston agenda (Player, 2014: 284). Corston, in her response to the Coalition government's '*Breaking the Cycle*' consultation of 2011 argued that 'reducing the number of women in custody would be welcomed by the public and supported in the media' (2011: 3), yet it is clear the reality is far more complex. The competing principles and objectives surrounding policy in this area result in a plethora of mixed public messages and add further weight to the contested nature of public opinion on matters of penal policy. This study argues that campaigners must adopt a clearer and more unified standpoint if they wish to better influence newsmakers, policymakers and the public. While the public face of penal reform shifts depending on the audience and context (Mills and Roberts, 2011: 39), it must be concluded that 'tough on crime' discourse is most likely to be successful in the current political climate. Given the unequal weighting of this dominant frame (highlighted by Player (2014)), this strategy, while perhaps uncomfortable reading, makes logical sense and is

supported by empirical evidence. Similar progress may be made by those pursuing Rutherford's (1993) second option, that of putting 'efficiency first'. During this time of austerity (and with the Prison Service budget unlikely to rise at any time in the near future), penal reform campaigners may make progress (across all political persuasions) if they seek to play 'the Treasury card' (Loader, 2010: 361) and continue to highlight the financial wastage of sending so many non-violent female offenders to custody when far cheaper community alternatives would be more effective. Consistent with research already undertaken (Mills and Roberts, 2011, 2012; see also Russell, 2005), this study adds further weight to the likely gains available to those pursuing either of the rhetorical strategies outlined above, or a combination of both.

Highlighted throughout this study, and as reminded by Hobbs and Hamerton, the decision of whether (or not) to criminalise a behaviour, and to apply a social welfare or a criminal justice solution is ultimately a political one (2014: 51). As Player highlights, the distribution of resources as a reaction to *social harm* rather than *criminal risk* will require a redefinition of the political identity of the offender (2014: 289, emphasis added) together with an encouragement of the discourse of social inclusion. This change is unlikely to come anytime soon. With penal provisions given precedence over social problems (Hudson, 1993), those campaigners determined to pursue social justice or humanitarian messages are undoubtedly faced with a tougher challenge. For social justice messages to stand any chance of success in the current climate it is clear that campaigners must successfully articulate the need for a greater understanding and recognition of social inequality; that not everyone begins their life with equal life chances, and that society has been 'fairer' to some citizens more than others. There is, of course, a role for government here, yet not since New Labour's Social Exclusion Unit (which ran from 1997 until it was abolished in 2010, latterly renamed the Social Exclusion Task Force) has the issue of inequality received equal status in government (replaced by a current focus on 'troubled families'). There is an educational role for the agenda-setting press too, although this again seems like too large a hurdle to surmount (in the case of the right-leaning newspapers, at least). The dominant, punitive trend shows little sign of abating and it is also uncertain if an alternative government would award the issue the equal status that it previously enjoyed. The *Transforming Rehabilitation* agenda does, however, signal an element of change and renewed opportunity. While it is difficult at this stage to accurately predict how it will impact women in the criminal justice system, it is the profit-seeking Community Rehabilitation Companies (CRCs) that now have ownership of the vast majority of women offenders serving



community sentences or post-release from custody. Legally required by the government to made adequate provision for female-only activities, it is not yet known how such requirements are likely to be interpreted in practice (and how geographical provision will differ). Concern has already been voiced from academics and practitioners alike about the likely quantitative measurements for desistance and how these will work for women, whose progress are so often measured using so-called 'softer' measures (see Gelsthorpe and Hedderman, 2012; Gomm, 2013). How penal reform campaigners react to the changes in probation and continue negotiate the changing political and economic environments will be monitored with interest.

## vi. Conclusion

In drawing the interdisciplinary strands of the study together this chapter has reflected on developing understandings of contemporary penal policymaking and the ability of penal reform campaigners to influence this process. Debating key challenges in unison with existing theoretical understandings, it cast renewed light on this under-researched area. With limited influence in the corridors of power, this study has also highlighted the limitations of media work for penal reform campaigners. Although a regrettable situation, it is clear that a critical reflection on this situation will enable progressive reformers to develop improved strategies for the future. Viewing the policy process through a social constructionist perspective, this study has utilised key concepts associated with mediatisation (and in particular framing theory) to better understand the communicative actions of key actors operating in this policy domain. It is clear that the current level of competing discourse on the issue does little to push the policy problem of women's offending and imprisonment onto the public agenda. Drawing on Snow *et al.*'s (1986) social psychological frame alignment processes in conjunction with Rutherford's (1993) penal ideologies, this study seeks to provoke debate among the penal reform network on issues of framing strategy. In so doing, all campaigners could be better positioned to influence policymakers, journalists and the general public.

## 9. Conclusion

### i. Introduction

This interdisciplinary research examined the little-known interrelationship between penal reform campaigners, journalists and policymakers at the crime-media nexus. With a specific focus on women's penal policy, it sought to uncover how reform strategies have developed under changing governments and the news media spotlight. As outlined at the outset, there remains a lack of empirical understanding of the constraints that penal policy actors operate under, and consequently the 'messiness of real world decision-making remains largely unknown' (Ismaili, 2006: 257). Thirty years ago, Solomon (1981: 5) called for more accounts of criminal justice policymaking, so that we are better able to understand the constraints on the process, the degree to which different actors are able to influence the process, and the important role of politics. The first study of its nature, this research has contributed to developing understandings of the above areas as they relate to women's penal policy. Questioning existing theoretical assumptions and uncovering new empirical ground, this final chapter will outline the various contributions to theory, methods and empirical understanding, as well as highlighting several important areas for further research.

Revisiting the major theoretical frameworks, part two will outline the contributions to criminology, political science, media and communications and feminist methodology. Incorporating some of the key themes from the previous chapter, part three will highlight the practical uses of this research for campaigners, journalists and policymakers operating in this domain. Finally, part four will outline several pertinent areas for future research.

### ii. Contribution to Theory, Methods and Empirical Understanding

#### *Researching Penal Claimsmaking*

This study has cast further light on the relatively under-researched penal reform movement in England and Wales. Penal reform campaigners made clear political gains during the 1970s,

1980s and early 1990s (especially in the area of youth custody), yet the punitive momentum from the mid-1990s onwards has meant that successive governments have been reluctant to yield to pressure exerted by those wishing to 'improve' conditions for offenders (Hobbs and Hamerton, 2014: 6). Penal reformers, and the subject of penal reform, have consequently found themselves out of political fashion and as increasingly marginalised players in a climate that talks increasingly tough on crime. Notwithstanding contributions by Ryan (1983, 2008; see also Ryan, Savage and Wall, 2001) and Wilson (2001), there has been very little research conducted in this area, with almost nothing focusing on *strategies*. Moreover, in shining a spotlight on the strategies employed by those campaigning to reform women's penal policy, this study is the first of its kind. Constituting an extremely niche area of government policy, affecting a relatively small number of offenders, there are only a handful of lobbyists and specialists operating in this policy domain. Although marginalised, the penal reform movement has an important place on the penal policy landscape, aiming to provide a critical voice (or conscience) to the strategies employed by successive governments. It is therefore important to learn more about how campaigners operate and seek to negotiate the developing political landscape.

Evidence revealed that penal reform campaigners pursue similar strategies to their predecessors operating fifty years ago. Private lobbying was deemed the most important and most effective way of achieving their goals, with media work viewed as a secondary concern. Yet given the status of this issue as a 'lesser social problem' (Hilgartner and Bosk, 1988), those campaigning to raise the profile of women's penal policy reform must work extremely hard to keep the issue alive and in public consciousness. Given the subjective nature of 'problems', their campaigns often constitute little more than 'concerns' (Best, 2013: 319), and concern for those in prison is unlikely to form a universal public issue. In this instance rhetoric is key, and those continuing to rely on traditional reformist discourse may find it more challenging to gain wider support for their policies. In investigating the various strategies that penal reformers use to achieve their objectives, this study has drawn on the working philosophies or 'credos' described by Rutherford (1993); punitive, 'efficiency first' and reformative. Adding a gendered perspective to research already conducted by Mills and Roberts (2011, 2012), it has highlighted the three overarching modes of discourse relied on by those campaigning in this area. Sensitive to diverging viewpoints, empirical evidence points to the key lobbying tactic of using punitive

rhetoric (to achieve humanitarian goals). Reflecting on penal reform discourse is clearly an issue requiring further investigation.

### *Researching Penal Newsmaking*

As highlighted by Silverman (2012), studies of the media-policy nexus are under-researched (see also Walgrave and Van Aelst, 2006). With a specific focus on women's penal policy, this study aimed to unravel 'the interlinking relationships between the media and policymakers and shapers and the impact on criminal justice' (Silverman, 2012: 1). Viewing such interactions through the social constructionist paradigm, it explored the media politics of criminal justice through two aspects of mediatisation in particular; agenda-setting and news framing.

Focusing on the impact of language and ideas on the policy process, it is clear that journalists' understandings of their social world (manifested through key news values) have an important impact on what can, and cannot, be considered as a pressing policy problem. Indeed, the production of knowledge by crime reporters has a key impact on public opinion on such matters. Adopting different frames to discuss the same phenomenon (in this case issues relating to female offending and imprisonment), it is easy to understand why there exists something of a stalemate between the news values and source strategies of some journalists, campaigners and policymakers. The competing interpretations do little to influence the public agenda in a meaningful manner, and it is easy to see why the topic of women's offending and imprisonment remains a marginal public issue.

While Hilton *et al.* (2013) have made the common sense assumption that political organisations are more likely to make traction if they pursue their campaigns via the media (see also Hobbs and Hamerton, 2014), this study has investigated media tactics from the perspectives of campaigners themselves. Penal reformers expressed repeated frustration about levels of news coverage, and interviews with journalists (operating across the spectrum) revealed that they had little interest in the topic (see Schlesinger and Tumber, 1994). Drawing on McCombs' (2014) metaphorical 'onion' of the media agenda, it is clear that campaigners operate as marginalised news sources, yet strategies have changed very little over the past twenty years. Relying, for the most part, on traditional penal reform messages, it is clear that such strategies do little to encourage support from certain sections of the right-leaning, agenda-setting media. The tendency for such newspapers to fan the 'hot' flames of criminal justice (whether for commercial or political gain) does little to encourage more reasoned and

enlightened debate and has the worrying effect of encouraging ‘dispossessed’ campaigners and policymakers to operate underground. It would seem that the media politics of criminal justice, as researched by Schlesinger and Tumber over twenty years ago, have become ‘hotter’ still.

It is clear, therefore, that the most sensationalist issue frames adopted by journalists are able to obstruct the business of progressive penal policy reform. It goes without saying that elected politicians are unlikely to pursue policies that are deemed politically unpopular (whatever their private beliefs) or unfavourable in the right-leaning media, and this goes some way to explaining the current flow of policies emanating from the Ministry of Justice. Hogwood stated in 1987 that ‘much of the most important discussion about shaping public policy in Britain takes place in *private*’ (1987: 1), and it would seem that, for the many reasons discussed throughout this study, the ‘nuts and bolts’ of penal policymaking have changed very little in over half a century. While substantial blame must lay at the door of certain newspaper headquarters, how to successfully negotiate this obstacle continues to preoccupy academics, political commentators and campaigners alike. It is clear that framing theory is of paramount utility for those studying the crime-media nexus. Providing the conceptual tools to gain insight into the discursive strategies adopted by all policy players, it also has the ability to synthesise the distinct concepts developed in both the media and political sciences under the constructionist paradigm.

### *Researching Penal Policymaking*

As outlined at the outset, criminologists have tended to focus their research efforts on the effects of policies rather than their origins while political science has largely neglected the field of crime control (Ismaili, 2006: 255). This study joins a growing body of scholarship that aims to bridge that gap (see for example John, 2012; Jones and Newburn, 2002; Barton and Johns, 2013; Hobbs and Hamerton, 2014). Shining a spotlight on the complexity of the women’s penal policy process, it exposed the different perspectives of key actors operating in this domain: the competing array of campaigners, journalists and policymakers and their different ideologies and agendas. Reflecting on Solomon’s (1981) criteria, this study identified the variety of different actors wishing to make an impact on women’s penal policy and the *degree* to which they are able achieve their strategic goals. Forming a point of empirical focus, evidence revealed that although operating as government insiders, penal reform campaigners have

limited agenda-setting power in both the political and media domains. The impact of *politics* on the policy process provided another important theme. In attempts to track the changing status of women's penal policy on the agenda, it is impossible to ignore the diverging political philosophies of successive government administrations. As a consequence, women's penal policy has fluctuated in importance, evidenced most recently by the stalling of the Corston agenda following the election of the Conservative-led Coalition government in May 2010. Finally, this study evidenced the number of *constraints* to women's penal policy that take the form of various economic, political and ideological barriers. Operating at different levels and at different times these include: the government in power, the carrying capacities of the institutional agenda, the dominant right-wing ideology of the press, the (re)construction of policy problems, the influence of public opinion and restrictions on public spending. While certain restrictions are undoubtedly more influential than others, the constraints of politics (i.e. a lack of political will to radically reform the status quo) are currently married to the economic situation (there is limited money to fund policy changes, even if they were supported) to provide the dominant barriers to radical reform.

This study analysed women's penal policy development through the distinct building blocks of claimsmaking, newsmaking and policymaking. While contemporary accounts argue that claims must pass through the newsmaking stage to reach policymakers and the public (a logical assumption in our 24-7 mass-mediated reality (Nimmo and Combs, 1983)), empirical evidence gathered during this study casts doubt on their universal application. Pursuing media coverage remains a universal claimsmaking tactic, but media-centric models are only relevant if claimsmakers are afforded access to news publications. Given the everyday challenges that penal reformers face (as marginal policy and media actors), it may be more beneficial for them to adopt the strategy of 'insider claimsmaking' described by Best (2013). In stopping short of radical 'reform by stealth' or harking back to the bygone romance of 1960's policymaking, the method of 'insider claimsmaking' still allows space for media work, albeit in a limited capacity.

In seeking to uncover more about the role of penal reform campaigners in the policy process, empirical evidence also questioned the dominant network approach. It is clear that modern policymakers share the political sphere with a proliferation of different groups that have a stake in criminal justice policy (Hobbs and Hamerton, 2014: 2), but, following Solomon (1981), it is crucial to uncover the *extent* to which they are able to influence the institutional agenda. Like many studies of contemporary policymaking, this research adopted the network

thesis, yet consistent with the recent findings of Rhodes (2011), it has argued that this may not be as pluralist as previously assumed. While not advocating a return to the Westminster model, it stressed the inability to adopt the black and white distinctions advocated by Jordan and Cairney (2013). It is also important to stress that this study did not investigate the criminal justice network in its entirety. If conversations with former Ministers and officials had included their viewpoints on the police, prison and probation lobbies (and private companies such as G4S and Serco) then the network thesis may have been strengthened instead of weakened. Such assertions are impossible to state. What it is possible to conclude, however, is that unable to exert significant leverage on the government, penal reform campaigners have limited agenda-setting power. In terms of the wider criminal justice landscape (dominated by punitive ideology), they are left to operate on the margins.

#### *Researching Policy Elites*

This study makes a clear contribution to feminist methodology. Combining both elite and gender studies, this research attempted to explore policy development through 'the prism of the policy network' (Duke, 2002: 41). Adopting a constructionist stance, it placed great importance on understanding the competing viewpoints and personal interpretations of the different actors in this particular policy domain. Documenting the previously unpublished experiences of those actors working on this niche area of government policy, and consistent with the stance adopted by Rhodes (2011) in his recent study of *Everyday Life in British Government*, this study is also a contribution to interpretive political science. There is a clear need for more studies of this nature if social scientists are to gain a better understanding of the complexities inherent to contemporary policymaking.

Yet as highlighted in chapter four, there is a paucity of literature available to guide those researching up in the field of criminal justice. This study has aimed to add to the small yet growing body of literature by offering a critical reflection on matters of gendered power and partisanship, an issue on which criminology has remained largely silent. The fieldwork process in particular can be fraught with uncertainties and reflexive accounts show that it is possible for criminologists to open a window on areas that in other research contexts would be concealed from awareness (Finlay, 2002b: 541). This study has argued that through engaging in reflective practice, criminologists (and indeed all those studying politicians and policy actors) will be better positioned to scrutinise the sometimes unsettled nature of power dynamics in

research encounters involving policy elites. Contributing to discussions of power, this study has highlighted the sometimes complex power symmetry that emerges when researching female elites in this field. It has been argued that the traditional feminist conception of power can be reversed in such circumstances, and it is easy to understand why some may argue this to be the case. Yet this is not always so, as my own research encounters attest. It may therefore be sensible to adopt a post-structural conception (see Smith, 2006) to the analysis of power in the interview setting, especially for those who are researching participants who are simultaneously an elite and a woman. Researching the political elite is similarly filled with ambiguity, with fieldwork and data collection turning into a highly political process. A decision was also made to self-censor and anonymise all research participants, and this is a crucial consideration for those researching public figures. There is a clear requirement for the publication of more practical research guidance on the experiences of those researching up in the social sciences, and certainly within the field of criminology.

#### *Advancing Feminist Criminology*

Feminist criminology is by its nature a political endeavour. Often concerned with levels of female victimisation, feminist criminologists also focus on female deviance and offending. As this study has highlighted, concerns about women's treatment in the criminal justice system are not new. Yet while there has been plenty of commentary on the direction of successive government policies, there have been less, if any, attempts to theorise the policy process. Furthermore, while there are countless accounts of women's poor treatment in the media, this area has also received less theoretical attention. Aiming to fill some of the above gaps, this study adds a different perspective to discussions about women's penal policy reform. It is clear that many criminologists of a feminist orientation have worked collaboratively with several of the campaigners that contributed to this research, yet there have been limited accounts of such endeavours. Providing practical tips to those working in this area must be a crucial endeavour for policy-focused academics, especially in light of the limited influence that academic criminology has on the penal policy process. Learning more about the ways in which lobbyists (those with open channels to government, in whatever capacity) are able to influence women's penal policy is one way that criminologists are able to influence the policy process. The mutual benefits to both parties are considerable.



Highlighting the circumstances surrounding female offending once again, this study has stressed that equality in criminal justice policy does not have to mean identical treatment to men. Women in the criminal justice system are subjected to host of particular challenges, and it is equality of *outcome* that must dictate discussions of appropriate punishment. The government acknowledged this in the Equality Act 2006, yet such viewpoints have not successfully permeated public opinion. While there are promising signs that the public are not as punitive as some argue, it would be wrong to state that there is no level of resistance here. Thinking carefully about the messages most likely to resonate with the public is a key claimsmaking tactic, and one that feminist criminology should consider in more detail.

### iii. Practical Utility

By no means an afterthought, it is important to highlight the important contribution that academic criminology can make to the policy process (see Chancer and McLaughlin, 2007; Faulkner and Burnett, 2012; Loader and Sparks, 2011b). Formulated during a career in politics, this research was approached from a policy-focused standpoint. From the outset it had the explicit intention of providing practical information to those engaged in penal reform campaign strategies, as well as the wider network of actors working on women's penal policy. During the fieldwork process it became clear that many campaigners would benefit on a practical level from some of the findings, and as the research developed so too did the desire to provide a separate working toolkit for interested penal reformers. As highlighted by Waldron, engaging with policy actors can be a mutually beneficial exercise once researchers are able to develop a recognition of the 'circumstances of politics' (1999: 106). Yet there is also a need for academics to remain pragmatic. Developed with an understanding of such circumstances, the practical suggestions outlined below seek to work within the inevitable political and economic constraints.

#### *Campaigners*

The practical utility of this study for penal reform campaigners is obvious. Approached from a claimsmaking perspective, it explored the array of political and communicative challenges faced by penal reformers, but simultaneously sought to provide areas for realistic

improvement. The fact that it exposed their position as peripheral policy and media players may come as no surprise to campaigners. Although articulated in different ways, campaigners were aware that they had limited agenda-setting power and were campaigning on an issue that was of limited interest to the general public. Reflecting on their collective position, this study has advocated several ways for enhanced impact in the media and policy spheres. The points below summarise key areas for consideration:

- Given that the status of women's offending and imprisonment is a 'lesser social problem' (Hilgartner and Bosk, 1988) with a limited number of advocates, those working on this area have an important duty to keep the issue salient in the political and public spheres.
- While the current obstacles to women's penal policy reform include penal populism, government resistance and distorted media portrayals, 'reform by stealth', however tempting, does not provide the answer. Although a laudable ambition, unlike Norway, a British version of KROM simply wouldn't work in the UK.
- Media work must not be discounted in its entirety, but can be treated as a secondary concern (a 75%/25% balance, for example). Receiving higher levels of media coverage can improve political legitimacy, and this may constitute the sole objective for some. Either way, in this 24/7 multi-mediated world there is a clear requirement to work publicly, in some capacity at least.
- Making greater use of social media to undermine official discourse is an important consideration. Although it brings its own risks, this is a communicative medium that should be explored in more detail.
- Pursuing claims in *unison* would strengthen their political and media influence.
- In attempts to influence the policy and media agendas there is a danger in relying on overtly humanitarian rhetoric. While work needs to consider the long-term achievement of *interpretive* change (Best, 1987: 115), there is a more pressing need to think about the short term strategy.
- Thinking tactically about messaging structure is therefore key. The scatter-gun approach to lobbying is not working, and more consideration could be placed on choice of language. While regrettable, this study has evidenced that progress is more likely to

be made in the media sphere, the policy sphere and the public sphere if messages for women are framed using more right-wing rhetoric.

- Focusing more purposefully on the right-leaning press, and reaching out to relevant journalists, there also needs to be a greater use more case studies. Stories about policy (whether supportive or critical of current direction) have limited newsworthiness, if any at all. While there is understandable concern about protecting women offenders, it is equally important to give them a voice. Providing journalists with more news friendly packages, and tapping into the dominant (while perhaps erroneous) understandings about crime could result in greater levels of coverage.
- It is important to remember that the reliance on more punitive rhetoric is simply a packaging issue, but a strategy that may better result in humanitarian outcomes. Working collectively, it is time to reinvigorate public perceptions of penal reform.

### *Policymakers*

Highlighted throughout this study, there are a number of practical policymaking issues worthy of consideration by Department officials in particular:

- The lack of clear strategy emanating from the Department in the first half of the Coalition government is regrettable. Reflecting the change in ideological focus, it allowed the green shoots of penal progress for women to stall. Echoing the concerns of campaigners, it also led the House of Commons Justice Select Committee to investigate this matter and publish a fairly damning critique. While progress over recent years is to be applauded, the recent election has seen another Minister awarded responsibility for this brief. In negotiating this Ministerial merry-go-round, those few officials working in this area must not lose important time.
- While former Ministers did not see media coverage as particularly important for the agenda, it is clear that this cannot be avoided altogether. Baroness Corston, in her 2007 review argued that 'educating the public must be an integral part of the strategy relating to women' (2007: 11). This statement highlights the clear role for government in terms of public education, but the current mixed messages emanating from the Department do little to untangle public opinion on this complex matter. Without a clear

mandate one way or the other, policymakers are prevented from pursuing revolutionised strategies.

- Like campaigners, the Department would benefit from reflecting on the major public messages that it wishes to pursue. The gender-humanitarian package pursued by policy officials runs counter to the punitive package advocated by the current Secretary of State. With ideologically opposed messages emanating from the same Department, public understandings are confused further. Department officials, of whatever personal ideology, would benefit from considering whether a synthesising with 'tough' language would help legitimise their desired (humanitarian) result.
- Although perhaps viewed differently by policy officials, it is important not to discount the agenda-setting influence of the women's penal reform network altogether. Understanding that the Ministry of Justice governs 'through a nexus of contracts' (Wright, 1994: 127), it is important to maintain close relations with the array of 'critical friends', who constitute a supportive and accommodating policy network.

### *Journalists*

It would be unrealistic to call for journalists to engage in more 'balanced' reporting on the subject of penal policy or criminal justice. While journalists do carry a level of responsibility to provide sensible reporting, those working for the right-wing newspapers are unlikely to change their stance on crime anytime soon. Furthermore, in seeking better relations, journalists believe that it is campaigners who need to make the lions-share of effort. While recognising a level of resistance, it is possible to work within these boundaries to identify several areas of practical improvement:

- While acknowledging that journalists operate under extreme pressure and within explicit timescales, it would be helpful if they were responsive to attempts made by campaigners to become more media savvy.
- Such responses could include giving advice on news framing and explaining why traditional methods of communication (such as press releases) are not interesting or helpful. Simply ignoring press releases does little to help both parties. Campaigners continue to waste precious time and journalists keep pressing the 'delete' button. If

campaigners were able to better understand the constituent elements of a news story, they could be of more use to journalists by providing news friendly packages.

- While acknowledging that it is difficult to place stories about this issue into their own left-leaning newspapers, there is a role for sympathetic journalists to provide greater levels of strategic advice. Some campaigners have closer working relations with those 'ethical' journalists, yet it is not clear if they are benefitting from the practical information that such journalists are in a position to provide.
- Finally, it is important to remember that campaigners now have other options available to them. Operating our 24/7 'mass-mediated reality' (Nimmo and Combs, 1983), journalists are no longer the information gatekeepers they once were. Campaigners have the ability to undermine official discourse and increasing opportunities to spread their messages using social media. Unable to receive news coverage via the traditional channels it is easy to see why they would choose to work this way. Furthermore, while this study does not advocate wholesale 'reform by stealth', it is certainly a valid strategy for those who have lost patience with irresponsible journalism. Journalists ignore this at their peril.

#### iv. Avenues for Future Research

This research has uncovered several areas for future investigation relating to women offenders and public, political and judicial attitudes.

As highlighted in the previous chapter, in seeking to further examine what approaches connect penal reform with 'the people' it is clear that there is a pressing need for more empirical research on public opinion as it relates to women offenders. Small-scale polls have been conducted, but there is a clear requirement to update empirical knowledge in this area. The *Prison Reform Trust* in 2007 (under the auspices of *SmartJustice*) commissioned one of the very few polls ever conducted in this area. With just over 1000 respondents, the results determined that the majority of respondents (86 per cent) supported community alternatives for women (along with an element of community payback). While this quantifiable evidence suggests there is public support for alternatives to prison for women, this is clearly an area in need of further investigation and revision, especially if campaigners and government officials

wish to rely on such evidence to substantiate future strategies. Furthermore, and as highlighted by Russell (2005), the public possess limited knowledge on community sentences, and empirical research is required to ascertain how such disposals are viewed in general. Such results would be beneficial for future campaign strategies.

There is also a need to investigate how the three working philosophies of punishment (punitive, efficiency, humanitarian) are interpreted by those decision makers who are naturally hostile to the cause, and in particular the army of backbench politicians, political commentators and right-wing journalists. Learning more about the rhetoric that is most likely to resonate with them would be a useful exercise for those working in and around the penal field. How, for example, do such individuals interpret the term 'social justice', and what does (or could) humanitarianism in penal policy mean to them? While not the original intention of this study, the way that policy actors seek to negotiate the punitive/feminist paradox became an interesting point of reflection. While an issue that has been debated in criminology, it has not yet included the perspectives of different policy actors. Understanding more about how such actors attempt to negotiate the penal paradox is a natural follow-up to this study.

Those seeking to pursue humanitarian messages would also benefit from developing a greater understanding of the viewpoints of magistrates on women offenders. Whether they are likely to admit it or not, magistrates are not immune from political pressures and media coverage. If an increase in community penalties for women is to be achieved, then what factors would magistrates wish to see built into sentences if they are to stand up to judicial and (crucially) public scrutiny?

This contribution to policymaking has highlighted the need for more investigations of this nature so that criminologists are able to better understand the complex dynamics of the penal policy process. The penal lobby remains an under-researched topic, and there is a need to explore its influence on the policy process in greater detail. Future work could focus on the police, prison and probation lobbies, as well as the victims' movement, for example. Utilising a similar method to this study, the different framing structures used in attempts to influence the policy process could be explored.

Finally, it is clear that criminology requires more reflexive methodological accounts from those who are researching at the vibrant intersection of policy, politics and criminology.

## Appendix

Interview schedules developed and augmented as the research proceeded. The interview questions below provide a broad outline of topics covered.

### **Interview Questions: Campaigners**

- What lobbying strategies do you employ to affect change? How much focus do you place on (i) the Ministry of Justice, (ii) Parliamentarians, (iii) the media?
- Do you feel a requirement to educate the public on matters of criminal justice policy?
- Do you have any specific strategies to try and gain media coverage?
- If you engage in media work, who would you say are your main targets?
- Do you struggle to get media coverage, or is low coverage a reflection of your decision to engage in private work?
- Do you respond to all media requests?
- How do you feel about media coverage of women offenders?
- Does media coverage (negative or otherwise) affect your campaigning strategies?

### **Interview Questions: Journalists**

- Talk me through your decision-making process when deciding what stories to cover.
- Do you feel a responsibility to keep the public informed on developments and reforms in criminal justice?
- What sort of relationships do you have with penal reform organisations? Do you think their campaign strategies are effective?
- Do you think such organisations struggle to get coverage? If so, why?
- Given the sometimes negative climate within which penal reformers work do you think there is an argument for them to bypass the media and work privately?
- Do you feel that women offenders get more of a hard time in the press?

### **Interview Questions: Policymakers**

- Do you think that private lobbying remains the most important avenue for influence, or do you feel there is an important role for the media?
- Did you have close relations with penal reform campaigners? How often would you meet such individuals or organisations?
- Did you feel that the penal reform network had an influence on your decisions?
- Can you recall any particularly effective lobbying strategies, either public or private?
- Some campaigners have said that they pursued media coverage to get your attention. Was such work important to you?
- In terms of Department media coverage, was it hard to get journalists interested in the policies you wished to pursue? Did you ever find media work obstructive on this issue?



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