

# Lesson three

## Communicating the results

### Lecture notes

The third lecture includes 37 PowerPoint slides not including the bibliography and resources. This can be edited down to suit.

The notes below suggest how the material should be presented. It is of course understood that lecturers will adapt the content to their curriculum and inject their own style.

ACTIVITIES AND TRAINER NOTES	SLIDE NO. & MATERIALS
<p><b>Introduction</b></p> <p>Make some clear statements about the confronting nature of the material, and how students can take care of themselves. Depending on the context, you may be able to trim these slides and simply remind students of the material presented in previous lectures on these points. Alert them to the resources section at the end of the PowerPoint presentation and mention whatever student counselling resources are available at your institution. Emphasise the need for respectful debate and argument.</p> <p>Briefly mention that in tutorials/seminars students will be asked to apply some of the lessons learned to scenarios from real life.</p>	1 - 4
<p><b>Communicating the results</b></p> <p><b>The job of journalism has two sides: finding things out and communicating the results.</b> Both jobs are <b>more complicated than they sound.</b> When it comes to violence against women there are important things to keep in mind both in how information is gathered, and in how we communicate the results of that. <b>In this lesson, we are concentrating on communicating the results – law, language and framing.</b></p>	5
<p><b>How media report family violence</b></p> <p>In previous lessons we have looked at the way the media reports VAW, including the issue of sources, the tendency to reinforce attitudes that can contribute to violence, and so forth. If necessary, summarise this material or refer the students to the previous PowerPoints and readings.</p> <p>In this lesson we are <b>concentrating on language and framing.</b> We will also consider <b>how doing a good job of reporting family violence interacts with, and in some cases conflicts with, the law.</b></p>	6

## Reporting guidelines

International research repeatedly tells us that there are some persistent problems with how the media reports family violence. There are common themes to the international guidelines for reporting VAW, largely focusing on language and context.

- The relevant Australian guidelines are *How to report on violence against women and their children*, 2019 National Edition
- You might also like to look at the Australian Press Council advisory guideline on Family and Domestic Violence Reporting. Our Watch had input into the process by which this was devised.

The guidelines emphasise:

- Putting **the safety of victims and survivors**, or those at risk of family violence, first. Published information should not add to risk or harm
- **Naming the issue** – using terms such as family violence or domestic violence, where appropriate
- **Avoiding victim blaming**, and making it clear that responsibility lies with the perpetrator
- **Not trivialising or excusing** domestic and family violence
- **Striving to report context and complexity**, including the prevalence and drivers of violence against women
- **Giving information about sources of help-seeking and assistance that are specific to violence against women** when publishing or broadcasting reports of family violence
- Using sensitivity and good judgement
- Being **aware of legal restrictions**

Naturally, the guidelines can't be exhaustive, or provide a complete answer to every issue you will face, but they are useful.

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## 1 Legal restrictions

This is not a media law course, but we do need to mention some legal issues that may affect your ability to do a good job of reporting family violence.

### Court Reporting

- Guidelines on reporting family violence routinely urge journalists to report the context for individual incidents of family violence. That is a worthy aim, but **when it comes to crime and court reporting, sometimes legal restrictions make that hard, or limit our ability to do the kind of job we would ideally like to do.**
- This matters. Research shows that about a quarter of media reports of family violence incidents draw on coverage of a court case or criminal legal proceedings. Research also shows that in cases of serious or homicidal violence, **there is usually a history of abuse that lead up to it.**
- **But there are a number of rules relating to crime and court reporting that can restrict us in telling that story.**
- The best known of these is the rule of *sub judice contempt*, which, broadly, means that once a person has been charged with an offence, the media cannot publish material that might prejudice a trial.
- How this operates depends on the case, but **reporters should be very careful and seek legal advice if they are, for example, publishing material that has not been aired in court, such as interviews with people who are commenting on a case that is before the courts or destined to come before the courts.**
- Some people who appear before the courts have their **identities protected**. These include victims of sex crimes, children, wards of the state, and anybody who appears before the Family Court. People who are minors at the time of the incident cannot be identified even if they are legally adults by the time they appear before the courts.
- **Be careful about identification by association: if a reader with special knowledge can identify the victim through a report then the author is potentially in contempt of court.** There is no point protecting the identity of a victim if it is revealed by identifying the perpetrator and their relationship.

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## Suppression orders

Finally, **courts may issue suppression orders**, and these can also limit the media's ability to report family violence.

As well, **it might well be *sub judice* contempt to report that the victim of the crime had an intervention order** out against the accused. **It is nearly always *sub judice* contempt to report material that is not in the evidence before the court while a case is in progress.**

**And in some states, the law specifically prohibits the reporting of intervention orders. This is meant to safeguard the privacy of the victim but can hobble media reporting.**

**When a case is before the courts – that is, after someone has been arrested or charged with a crime – stick strictly to the bare facts of the case, such as the fact that charges have been laid, and to material that is brought out in open court.**

**If you want to write a broader piece that contextualises the crime, you may have to wait** and write a report after the court has either convicted or acquitted the accused.

However, **despite all this, lawyers advise that it is NOT contempt to publish details of help lines with court and crime stories that deal with family violence. You can do that safely.**

## Defamation

Another legal issue you need to be careful of is **defamation**. This relates to any story that might damage a person's reputation.

For example, **if a victim or survivor makes an allegation of abuse or violence, the alleged perpetrator may sue the survivor, and any media publication that publishes or broadcasts their allegations.**

For example, in one Victorian case, a local newspaper published a picture of a group of women who claimed they had been abused by their former husbands. The women's names were given, but their former partners were not named. However, because the paper was published locally, one man claimed he was identified, and successfully sued the paper – and his former wife.

**The most important defence in defamation is truth. If you are going to publish allegations of family violence that are not before the courts, then you need to be very careful that you can prove the allegations to be true.**

**Another important defence is fair report.** This means **you may also be able to publish fair and accurate accounts of allegations made in certain forums – typically the courts or in parliament.**

Tell students that if they are **in doubt about any of this, get legal advice.**

More information in the Pearson and Polden book on the reading list.

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## 2 Framing the story

The idea of **media framing** is an important part of studying and understanding what journalists do.

Media framing is a huge area of study and we are not going to go into the theoretical basis here. Simply put, **it is analogous to a picture frame – containing and limiting the picture, and drawing attention to certain elements.**

- It refers to **how the media focusses attention on certain events, and places them in a context or a narrative.**
- In essence, framing theory suggests that **how something is presented to the audience influences the choices people make about how to process that information.**
- So for example, when the media reports family violence in a “frame” that suggests it is a private matter, or “normal” relationship conflict, then that influences how the public are likely to understand it.
- If the media looks for a “reason” for the violence in the behaviour of the victim (victim blaming) then that is likely to be influential.
- And if the media reports individual incidents of family violence without making it clear that this is a pervasive social issue, then that too affects how the audience sees the issue.

If you think about it, **sources are very important to framing.** If you rely entirely on police, for example, you are likely to end up framing family violence as only involving those kinds of abuse that are crimes that end up before the courts. The other kinds of abuse – such as financial, spiritual and psychological – are left out of the picture.

Some of the issues we have dealt with in previous lectures – such as broadening your range of sources – also help you to do a better job of framing family violence.

**Framing is also related to what questions you ask,** both of yourself in writing the story and when you do your interviews. For example, be careful if you find yourself asking questions about, or writing as though, the victim is in some way to blame for the crime or ways that excuse or justify the perpetrator’s behaviour.

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ACTIVITIES AND TRAINER NOTES	SLIDE NO. & MATERIALS
<p><b>Language</b></p> <p>The use of <b>trivialising language</b> can also be part of framing. For example, <b>describing an assault as an “argument” or child abuse as “discipline”</b>.</p> <p><b>“Child sex” is a common and incorrect phrase. Children cannot ‘have sex’</b> as they cannot provide consent. In any context, sex without consent is rape.</p> <p>Another subtle example is to describe someone who has suffered from family violence as a “victim”, which can subtly suggest that they are forever defined by what was done to them. Many people (but not all) prefer “survivor” which conveys strength and power and agency. If possible, it is best practice to ask them which term they wish to be referred to.</p> <p><b>To sum up, how the story is framed is determined by your sources, the questions you ask of yourself and others, and the language you use.</b></p> <p><i>[At this point, if not before, give out examples 9 – 12: The McDermott Case, The Ramage Case and the two Adele Mailer obituaries]</i></p>	<p>18</p>
<p><b>Getting the language right</b></p> <p><b><u>Reporting on violence against women who experience multiple forms of discrimination and oppression:</u></b></p> <p>It is important to understand that poor practice reporting can happen in any stories, but <b>some of the worst reporting is often saved for women who experience multiple forms of discrimination and disadvantage – such as Aboriginal and Torres Strait Islander women, women with disability, women in the sex industry, trans women and culturally and linguistically diverse women.</b></p> <ul style="list-style-type: none"> <li>• Like Adeline Rigney-Wilson, an Aboriginal woman whose partner killed her and her children. <b>Reporting on her death focused on her behaviour, her shortcomings, and her worth as a mother with very little to say about the man who brutally killed them.</b></li> <li>• Or Mayang Prasetyo’s murder which was <b>covered in graphic, sensationalized and disrespectful detail, with a focus on her transgenderism, sex work and her behaviours, rather than the perpetrators.</b></li> <li>• And Kim Hunt, who had an acquired disability. Reporting on her partner’s murder of her and their 3 children were riddled with quotes like the one you see here, <b>focusing on her disability and the impact and stress that this had on her husband, suggesting justification for his murder of her.</b></li> </ul> <p>Women who experience multiple forms of discrimination and oppression perhaps have the most to gain from improved reporting on this issue. This is important, since they are also the women who experience the highest rates of targeted violence.</p>	<p>19</p>

In recent work in Australia, **researchers presented a series of focus groups with these two real life examples of court reporting. Not surprisingly, these two examples got sharply contrasting responses from the focus groups. The research showed that the language used and the framing powerfully influenced the attitudes of the focus group members.**

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Example 9

In each case, the central facts were identical: a man had killed his female marital partner after a period of domestic violence. However, the circumstances in which those crimes occurred were described by media reports in radically different ways.

21-22

#### McDermott case

A man with a violent history pursued his wife, Fiona Warzywoda, in the street and stabbed her death. She had obtained an intervention order from a court to keep him away from her and their four children.

#### McDermott case reaction

The McDermott article generated responses in the focus group that did not vary much between men and women. **While a few men sought to find an excuse for McDermott by stating that he was probably mentally ill or accepted the excuse that he probably blacked out in a blind rage at the time of the killing, virtually all other respondents wrote him off as a chronically angry and violent man who lacked self-control and who took actions that were both premeditated and extremely violent.** His intent to kill Ms Warzywoda and the extreme brutality in the way he did it were conveyed to respondents most vividly by the following passages:

- the fifth and eighth paragraphs, where it is stated that McDermott stabbed Ms Warzywoda six times;
- the tenth and eleventh paragraphs, where McDermott is said to have kept watch for her from a café and then chased her “like a cat chasing a mouse”, and
- the fourteenth and fifteenth paragraphs which describe McDermott rugby-tackling Ms Warzywoda, bringing her to the ground, rolling her onto her back and stabbing her in the chest.

His premeditation was conveyed by the following passages:

- the second paragraph where it states that the court had refused him access to their children;
- the eighteenth paragraph where McDermott is said to have told one of their children that he was going to kill Ms Warzywoda with a pocket knife he kept in his car, and
- the twentieth paragraph where McDermott is said to have told Ms Warzywoda that she was fucked.

His violent and volatile behaviours were conveyed by the following passages:

- the fourteenth paragraph in which McDermott’s attack on Ms Warzywoda is described as ferocious;
- the seventeenth paragraph where McDermott is described as having been drunk and abusive at the family party and smashed her car window as he was leaving, and
- the nineteenth paragraph where a witness claimed he said he was “going to slice her”.

As for Ms Warzywoda, several respondents noted that she was an almost invisible presence, a victim whose voice was not heard. She was seen as a woman justifiably frightened by her former partner, and a mother who was trying to protect her children and herself from his rage. The passages conveying these messages were:

- the tenth paragraph where Ms Warzywoda is described as screaming when she was being chased by McDermott;
- the twelfth paragraph where it is stated that Ms Warzywoda had obtained an intervention order from the magistrate’s court, and
- the twentieth paragraph where it is stated that she told people on the day she died that she was in fear of McDermott.

#### Ramage case

A man was being tried for murdering his wife after finding out she had been having an affair. His defence counsel, pursuing the defence of provocation (since abolished), used a series of words and phrases to describe his feelings and her behaviour.

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Example 10

#### Ramage case reaction

The Ramage article was seen as portraying James Ramage as a controlling and obsessive husband who nonetheless had been treated cruelly by his wife: belittled, rejected, taunted about his sexual attractiveness, and dealt with dishonestly.

24-25

**Many of the male respondents readily identified with James Ramage and the wrongs they perceived as having been done to him. They did not excuse him killing her, but they could understand how he had been driven to do so.**

**Many women respondents, by contrast, judged James Ramage as controlling and possessive.** They saw his actions in sending his wife cards, poems, flowers and CDs as akin to stalking, as further evidence of his possessiveness and as an attempt to reassert control over her. **Many men, however, saw these as desperate attempts by a broken-hearted man to win back the love of his life.**

Men in particular, but also some older women, judged Julie Ramage unfavourably as a manipulative woman who “knew how to push his buttons”, as many respondents put it. Most women, however, saw her as the victim of an obsessive and controlling husband and expressed outrage at what they saw as the efforts by Dunn, QC, to paint James Ramage as the victim.

The key passages in the article that conveyed these various messages were:

- the second paragraph, where Julie Ramage is described as having taunted her husband with details of her new lover;
- the fourth paragraph where the word “provoked” is used;
- the seventh paragraph, which described James Ramage’s attempts to win her back with flowers, CDs, letters and poems;
- the eighth paragraph where it was stated that she had lied to him and covered up her budding new relationship;
- the ninth paragraph where she is said to have told him that sex with him repulsed her and that her new lover was better, and where Dunn, QC, said any 45-year-old man in Ramage’s situation may have reacted in the same way, and
- the tenth paragraph where Dunn, QC asserts that “every issue of this man’s life was being attacked”.

**This research tells us that the frames we use, and the language, powerfully influences our audience’s attitudes to family violence. And research tells us that community attitudes to violence are a key causal factor of the levels of violence in society.**

So much for court reporting. There are other kinds of reporting that matter as well.

**Example 10: Adele Mailer obituary: Wild wife ‘spat out men’s bones’**

- This obituary of Adele Mailer was originally published in the *New York Times*, but republished in Fairfax media. Here we see **how language and sources combine to give us a powerful frame. The headline, sub-heading and much of the text is victim blaming.** Adele Mailer is described as a “wild wife” and “marital firecracker”. There is also a lot of material that tends **to minimise or excuse Norman Mailer’s near-fatal assault**, such as the “stormy” nature of the relationship, her claim that she taunted him and so forth. Norman Mailer is quoted along the lines that his work was more important than receiving treatment for the offense, and suggesting that his anger “made” him do it. **The sources are court records, her memoirs and previous interviews with Norman Mailer. There is no material from Adele Mailer’s friends or family. See how this results in the framing of the story.** Consider the quotes used.

**Example 11: Adele Mailer, Former Wife of Norman Mailer, Dead at Age 90**

- **This other obituary, from AP, is a useful point of contrast. Adele Mailer is described in her own right** – as an actress and artist – rather than merely as the victim of her husband’s violence. **The impact of the violence on her is detailed.** While the memoirs of both Mailers are used, they are used differently. Instead of being used to excuse him and blame her, the impact of his violence is detailed. The story is framed entirely differently. **There is no excusing, victim blaming or minimising the violence, an Adele Mailer is presented as a “whole person”.**

26 – 28  
Example 11

29 – 31  
Example 12

**“Good bloke” frame**

Of course, as a reporter you can only work with the facts – the material that is in front of you. If you are in court and the defence lawyer says certain things, you may need to report it.

However, **in most situations you have a choice.**

**This is not a matter of censoring yourself. It is a routine and important part of a journalists’ job to exercise judgement in what and how you report.**

An example is this common experience of reporting of homicidal cases of family violence:

*Reporters find that often the police are not talking, and information is limited. Naturally, they do their jobs and interview the friends and neighbours, who often say that they saw no signs of trouble, and the perpetrator seemed like a “good bloke”.*

But given that family violence is usually hidden, how much use is that kind of comment?

And how damaging can it be? Badly handled, this kind of reporting can add to a “frame” in which men are understood to have a sense of control and entitlement over the lives of their family members.

**[If time permits, play a 5-minute Media Watch episode here. Clicking the picture of Paul Barry will open the page, otherwise:**

**<http://www.abc.net.au/mediawatch/transcripts/s4846264.htm>**]

**This episode looks at press coverage of the 2018 murders in Margaret River.**

It is one thing to conduct the interviews. Naturally if you were assigned to this, you would seek information wherever you could get it. But it IS appropriate to think about your language before you report.

Some alternative “frames” for the kinds of interviews we are talking about here are offered on slide 32. If time permits, ask students to suggest other ways of handling this material.

**Language and the ‘FixedIt’ initiative**

Another source of examples on **how the media can inadvertently frame family violence in damaging ways** is highlighted by the site FixedIt, run by Australian journalist Jane Gilmore.

<http://janegilmore.com/category/fixedit/>

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34 - 35

ACTIVITIES AND TRAINER NOTES	SLIDE NO. & MATERIALS
<p>Gilmore focusses on the headlines to articles about sexual abuse, family violence and sexual crime. Her work challenges headline writers when they obscure perpetrators and victims of violence, when they sensationalise or misrepresent the responsibility for violence, and when they use misleading terms like ‘child sex’.</p> <p>In the examples provided, the Herald Sun makes the suspect invisible; news.com.au and the ABC (centre right) both diminish the responsibility of mass murderers; The Ararat Advertiser and 7 News make the victims invisible.</p> <p>In the Nine News example, ‘prostitute’ is misused. Prostitution - sex work - is legal in limited contexts in most of Australia. However, children can neither consent to sex nor are they allowed to work, making the term ‘child prostitute’ a contradiction. Gilmore’s correction eliminates this contradiction and makes the crime visible.</p> <p><b>Help lines</b></p> <p>Always end a story about sexual or family violence by including referral information for people who may need help. Be sure you are referring to violence against women specialist services. It may at times be appropriate to also provide information for other types of services (such as suicide help lines), but be aware that referring to services to deal with mental health issues of drug and alcohol issues may inaccurately suggest that violence against women is driven by mental health issues or drugs/alcohol (this is a myth). Begin with a local organisation, or one that specialises in dealing with at-risk communities. Finish with the national hotline, and the number for emergencies. Suggested wording is included on the slide. If you are able, provide help-seeking information for both victims and perpetrators.</p>	<p>36</p>
<p><b>Summary</b></p> <p>Guidelines and even a lesson like this cannot answer every question that will arise in the course of you reporting family violence. Often, difficult decisions have to be made, and sometimes the legal restrictions don’t help.</p> <p>Broadening your sources helps you to do a better job, as we have discussed in previous lessons.</p> <p>And here are some more points to keep in mind, a bit of a checklist (<i>run through the points</i>)</p>	
<p><b>Conclusion</b></p> <p>Thank the students for their attention throughout the course. If time permits, ask the students to sum up the main things they have learned and comment or expand as appropriate.</p>	<p>37</p>

# Reading

## Undergraduate reading

### Essential Reading

- Gilmore, J. (2017). 'Invisible perpetrators, blameable victims: why is gendered violence still reported this way?', *The Sydney Morning Herald*, 1 September. <https://www.smh.com.au/lifestyle/invisible-perpetrators-blameable-victims-why-is-gendered-violence-still-reported-this-way-20170901-gy8s0s.html>
- Our Watch, (2014). 'Reporting on domestic violence', <http://www.ourwatch.org.au/News-media/Reporting-Guidelines>
- Chapter five 'Contempt of court' and chapter six 'Covering court' in Pearson, M. and Polden, M. (2015). *The journalist's guide to media law: a handbook for communicators in a digital world*. Sydney: Allen & Unwin.

### Further Reading

- ANROWS and Our Watch, (2015). 'Media representations of violence against women and their children: Final Report', Horizons, Issue 3, <http://anrows.org.au/publications/horizons/media-representations>.
- Bacon, W. (2013). 'Where are the women shaping opinion?', *Women in the Media*, 26 March. <http://www.wendybacon.com/2013/where-are-the-women-shaping-opinion/>
- Blatchford, A. (2015). 'How violence against women became a front page story', *The Citizen*, 24 November, <http://www.thecitizen.org.au/features/how-violence-against-women-became-front-page-story>
- Women in Media, (2016). 'Mates over merit: the Women In Media report' <https://www.meaa.org/resource-package/mates-over-merit-the-women-in-media-report-executive-summary/>

## Graduate reading

### Essential Reading

- ANROWS and Our Watch, (2016) 'Media representations of violence against women and their children: Final Report', Horizons, Issue 3, <http://anrows.org.au/publications/horizons/media-representations>.
- Gilmore, J. (2017). 'Invisible perpetrators, blameable victims: why is gendered violence still reported this way?', *The Sydney Morning Herald*, 1 September. <https://www.smh.com.au/lifestyle/invisible-perpetrators-blameable-victims-why-is-gendered-violence-still-reported-this-way-20170901-gy8s0s.html>
- Our Watch, (2014). 'Reporting on domestic violence', <http://www.ourwatch.org.au/News-media/Reporting-Guidelines>
- Chapter five 'Contempt of court' and chapter six 'Covering court' of Pearson, M. and Polden, M. (2015). *The journalist's guide to media law: a handbook for communicators in a digital world*. Sydney: Allen & Unwin.
- Blatchford, A. (2015). *The Citizen*, 'How violence against women became a front page story', 24 November, <http://www.thecitizen.org.au/features/how-violence-against-women-became-front-page-story>

### Further Reading

- ANROWS and Our Watch, (2015) 'Media representations of violence against women and their children: State of knowledge paper', Landscapes, 15, <http://anrows.org.au/publications/landscapes/media-representations-violence-against-women-and-their-children-state>.
- Australian Press Council, (2016). 'Advisory Guideline on Family and Domestic Violence Reporting', [http://www.presscouncil.org.au/uploads/52321/ufiles/Guidelines/Advisory\\_Guideline\\_on\\_Family\\_and\\_Domestic\\_Violence\\_Reporting.pdf](http://www.presscouncil.org.au/uploads/52321/ufiles/Guidelines/Advisory_Guideline_on_Family_and_Domestic_Violence_Reporting.pdf).
- Bacon, W. (2013). 'Where are the women shaping opinion?', *Women in the Media*, 26 March. <http://www.wendybacon.com/2013/where-are-the-women-shaping-opinion/>
- Carlyle, K., Orr, C., Savage, M. and Babin, E.A., (2014). 'News Coverage of Intimate Partner Violence: Impact on Prosocial Responses', *Media Psychology*, 17(4), 451-471.
- Flood, M. and Pease, B. (2012). 'The factors influencing community attitudes in relation to violence against women: A critical review of the literature.' VicHealth. Paper Three of the Violence Against Women Community Attitudes Project.
- Morgan, J and Politoff, V. (2012). *Victorian print media coverage of violence against women: A longitudinal study*, VicHealth and The University of Melbourne, <https://www.vichealth.vic.gov.au/media-and-resources/publications/victorian-print-media-coverage-of-violence-against-women>.
- Palazzolo, K.E. and Roberto, A.J., (2011). 'Media Representations of intimate partner violence and punishment preferences: Exploring the role of attributions and emotions', *Journal of Applied Communication Research*, 39(1), 1-18.
- Women in Media, (2016). 'Mates over merit: the Women In Media report' <https://www.mcaa.org/resource-package/mates-over-merit-the-women-in-media-report-executive-summary/>