News from the pit: Journalistic performativity and discourse on Belgian internment policy

Robin Reul *, Steve Paulussen, Pieter Maeseele

Department of Communication Studies, University of Antwerp, Sint-Jacobstraat 2, 2000 Antwerp, Belgium

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A B S T R A C T

This contribution examines the ways in which newspapers open or close mediated debate on the Belgian internment issue, and whether this can be connected to different journalistic practices. Although human rights guarantees are often articulated as a matter of near-universal consensus, Belgium has been convicted 23 times by the European Court for Human Rights for its treatment of mentally disabled criminal offenders. Considering news media’s central role in shaping debate on human rights issues, we study internment news in two Dutch-language newspapers between 2013 and 2015 using critical discourse analysis. Our research shows that studying media as a site of struggle enables a deeper understanding of how debate is opened or closed, and explores the possibilities of studying discursive strategies that shape the mediated debate together with practices that reinforce journalistic credibility.

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1. Introduction

While human rights are often articulated as a matter of near-universal consensus, mediatized controversies surrounding Belgium’s internment policy reveal a different image. In theory, internment policy answers a legitimate concern for the wellbeing of criminal offenders with psychological issues. Under criminal law, mentally unaccountable offenders are committed to specialised facilities where they receive mental care aimed at social reintegration (Gezin en welzijn en gezondheid (2016)). In practice however, many internees reside indefinitely in prisons without appropriate care (Directoraat-generaal Penitentiaire Inrichtingen, 2016), which has prompted multiple international convictions and reprimands (e.g. 23 judgements by the European Court for Human Rights since 1998). Criminal and psychiatric experts have denounced internment in regular prisons, the lack of a set release date, and the ambiguous enforcement of ‘reasonable’ balance between societal and internees’ interests (e.g. Commissie voor Justitie, 2015; League for Human Rights, 2011; Vandevelde et al., 2011; WHO & ICRC, 2005). The lack of systematic improvement

1 Policy countermeasures have generally fallen short. Internment operated largely under the law of 1964 until the 2014 Internment Act (Vander Beken et al. (2016)). Still, the new law did not fundamentally revise previous legislation, nor could it remedy shortcomings in available mental care (Heimans et al. (2015)). This deficit necessitated a ‘reparation law’ which entered into force in October 2016 (i.e. the Act of 4 May 2016 on internment and various provisions on justice).
2. An agonistic pluralist perspective on mediated debate about internment

Rogers and Pilgrim (2014) point out that mentally ill offenders are often perceived as ‘doubly deviant’, stigmatised as both criminal and ‘mentally abnormal’. They argue that public suspicion and media stereotyping might make politicians less likely to address continuing concerns with existing policies. A radical pluralist perspective on criminal justice issues (Cavadino et al., 2013) urges us to consider the meanings attached to internment not as a reflection of tangible fact, but as a temporary result of underlying processes of negotiation and (re)articulation that decide what internment means from a judicial, psychiatric, political, personal, or journalistic perspective. Nash (2009) emphasises media’s substantial role as spaces of symbolic struggle, where debate on human rights issues is structured, and where the ‘authority’ to determine the stakes is decided. This leads to the question: do media allow different viewpoints on alternative futures for internment to contest in internment news? Or does mediated debate remains closed around one set of perspectives or other?

Understanding internment news as a struggle over meaning implies interrogating the underlying mediated contestation between ‘commonsensical’ and alternative perspectives. Applying insights from agonistic pluralism to media coverage (e.g. Maeseele et al., 2017; Maeseele & Raeijmaekers, 2017; Raeijmaekers & Maeseele, 2015), we contend that mediated discourse is always the end-result of a symbolic struggle between different actors and viewpoints. We are therefore in need of particular analytical tools to examine which discourses are normalised and which are contested in discourse. Agonistic pluralism (e.g. Mouffe, 2005; Tambakaki, 2010) argues that claiming the existence of a societal consensus on any issue negate its underlying exclusion/inclusion involved in the struggle to define these issues (Raeijmaekers & Maeseele, 2017). Additionally, it neglects how professionalised journalism functions to convey reliability on journalistic truth claims (Broersma, 2010). To move beyond evaluating news content and actively examine its journalistic construction, we also need to consider the ritualistic nature of journalism practices.

Critical scholarship (e.g. Curran, 2002; Dahlberg, 2007b; Hall et al., 1978) has long questioned whether news media function as neutral transmitters of information by adhering to professional newsmaking practices. Broersma (2010) urges us to consider the performative nature of these journalistic conventions, arguing that standardised routines, choices and norms create a recognisable discursive format for news audiences and instil journalistic perspectives with a sense of credibility and authority. By applying speech act theory to journalistic utterances, Broersma makes a convincing case that (re)confirming the authoritative nature of discourse is an essential function of journalistic practice.

Broersma’s framework (2010) examines how journalistic conventions regarding form and style relate to performativity. Form is conceptualised as the visual structure of discourse that confirms journalistic professionalism. This involves, first, genre conventions that impact the representation of a story, e.g. the possibility of relating background information or journalistic commentary on a story. Second, design (e.g. lay-out) informs how news is read. Third, textual structure (e.g. rhetoric, story length) reveals editorial choices regarding importance and interpretation of a story. Next, Broersma conceptualises journalistic styles as overarching sociocultural practices and professional conventions that inform “what news is and how a journalist should act” and “how the medium wants to be seen and how wants its readers to experience social reality” (2010, 23). He distinguishes different journalistic styles whose primary aim is either to inform the reader of certain events, or to reflect on particular perspectives about events. Even if one style is typically dominant at a certain time, different styles can co-exist in a media landscape or even an individual medium.

The ‘agonistic pluralist’ framework and Broersma’s work on performativity share a concern with journalistic truth claiming. Performative ‘form’ shares traits with the way formal aspects of text and ‘discursive interventions’ (Carvalho, 2008) are understood in media research that applies agonistic pluralism, with several overlapping aspects (e.g. design, structure). As we will argue below, a pragmatic combination of these frameworks allows us to investigate how journalistic processes and discursive strategies together shape the internment debate.

4. Analytical framework

This analysis is concerned with how discursive strategies play into opening or closing the mediated debate on the internment issue, and explores how these patterns may be connected to differences in journalistic practices. To this end, we combine the performative understanding of form (an articulation of journalistic conventions on genre, design and story structure) and style (socio-cultural practices and routines informing professional journalism), with the key analytical categories of scope (i.e. representation of different actors/viewpoints) and form (how these sides are represented) from the agonistic pluralist framework.

In this study, ‘form’ is conceptualised from both an agonistic pluralist and a performative perspective. Discursive form in its agonistic pluralist conceptualisation concerns the way in which social issues are presented in discourse (see below). According to Broersma’s performative perspective, form articulates journalistic conventions to strengthen the authority of journalistic utterances. This is what we term manifest form. Both touch upon similar
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