

Trial by media: politics, policy and public opinion, the case of the ACT heroin trial

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Introduction

There is a tension in the policy and law-making area between the creation of policies and laws which satisfy researched and supported policy objectives and those which satisfy 'the public' or the perceived public. This tension is especially pronounced in relation to controversial legislation or policy. Such a tension arises for a number of reasons including the liberal democratic belief in government by the people. John Martin Gillroy has characterised the divide as a distinction between policy which is responsive (reflects public opinion) and policy which is responsible (reflects sound policy research). Democracy is associated with responsiveness to public needs and desires and so this model of law-making predominates (1994:177). The tension between responsible law-making and responsive law-making is also exacerbated by the difficulties associated with meeting the needs of opposed interest groups and the more pragmatic problems faced by governments who do not wish to enact unpopular legislation. This said, reaction to public opinion will not necessarily result in irresponsible legislation or policy, similarly, law-making which fails to consider the opinions of those for whom the laws are enacted will rarely meet its objectives. Finding the right balance between responsiveness and responsibility in the policy making and law-making arena will often be difficult in a two party 'adversarial' political system (Marsh 1997:76). Through an analysis of the overt and apparently¹ direct participation of *The Daily Telegraph* in the abandonment of the ACT Heroin Trial, the difficulties associated with ascertaining exactly what constitutes reliable public opinion will be examined, as will the pitfalls of the responsive approach to law-making. Through such an analysis alternative approaches to the issue of public opinion and the policy/law question will be mooted.

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1 That *The Daily Telegraph* campaigned directly against the heroin trial is unquestioned, whether *The Daily Telegraph* was solely or even partly responsible for the Federal Government's decision to withdraw support from the trial or not, it was certainly perceived to be a responsible party, even by those in a position to observe the governmental machinations. ACT minister and long time supporter of the trial, Michael Moore burned a copy of *The Daily Telegraph* for the Canberra press, while Chief Minister Kate Carnell suggested '[m]aybe what John Howard should do is abolish the ministerial council on drug strategy and set up his own advisory group based on today's decision ... And maybe he would like to put on it [*Daily Telegraph* columnist] Piers Ackerman, [and 2UE broadcasters] John Laws and Alan Jones', *The Daily Telegraph*, 20 August 1997: 4; *The Sydney Morning Herald* 23 August 1997:35.

What is public opinion?

'If public opinion is a conflicting gaggle of individual opinions, then how does any politician actually divine it...?' (Combs & Nimmo 1996:69)

The analysis of public or popular opinion is a burgeoning area of commercial and political growth. A 'public opinion industry' has emerged and access to data on popular attitudes forms the basis for marketing of everything from soft drink to health policy; even lawyers are hiring public relations consultants (see Roschwalb & Stack 1995). Despite new technology and an apparent increase in interest in public relations, attention to public opinion is not a new phenomenon. Prominent philosophical, legal and political theorists including Locke, Rousseau and Mill, as well as de Toqueville, and Dicey have explored the connections between popular opinion and the government. One of the most obvious, although by no means accurate, ways of ascertaining public opinion is through the practice of opinion polling (Goot 1993:133).² Newspaper reports will often rely on poll data to support a picture of community attitudes. The press also rely on more intangible assertions regarding community wishes, public concerns and popular opinion to state their case.

Public opinion on most topics, and especially on more controversial topics, is diverse and, as suggested above, often conflicting. To equate public opinion with published opinion is a mistake. While journalists may very well have a vested interest in maintaining the fiction that the two are one and the same, because this 'claim has cash value in prestige for themselves and their craft' (Combs & Nimmo 1996:73), politicians and policy makers need to look beyond the claims of the 'dailies' to represent the feelings of the populace and recognise that public opinion is a media construct. The proverbial 'small but vocal minority' do function as media sources and their evaluation of legislation and policy is often presented as if it speaks for the masses. This monolithic 'Public' is a media construct. Richard Ericson and his colleagues have noted that instead of talking about the general public it is more useful to identify particular publics (Ericson, Baranek & Chan 1991:19).

Responsive versus responsible law-making

The characterisation of law-making as a competition between responsiveness and responsibility is perhaps misleading; law makers cannot simply choose between the two approaches. In essence responsible law-making presupposes a level of responsiveness to diverse community wants and needs. Not only is the automatic 'renunciation of public opinion ripe for arrogance' (Tiffen 1994:57), it presupposes that public opinion is by its nature ill informed. It should be remembered that public opinion may be responsible for fertilising political action as often as it is responsible for constraining it (Marsh 1997:77; Chan 1995:26).

Asking that policy and law-making is conducted in a way which is less responsive to 'public opinion' does not amount to a negation of the citizens' role in a democracy or to a belief that politicians and policy makers 'know better', but rather, it recognises that the public opinion to which the government often responds is not an accurate reflection of public opinion as a whole. Consequently, to act responsively to such public opinion may generally necessitate acting in a way which is contrary to the opinion(s) of those whose views are unvoiced or unheard. Moreover, responsiveness may actually be the 'easy option'. Robert Reich has suggested that a greater challenge lies in the government actually engaging 'the

2 Note the wording of the recent *Sydney Morning Herald* report on same sex marriage and adoption in Holland: 'Pressed by opinion polls showing seven in 10 people think homosexuals could make good parents, a parliamentary committee has approved a bill giving gays the right to adopt and marry,' (31 October 1997:12).

public in an ongoing dialogue over what problems should be addressed' (Reich 1988:4). In this scenario an eventual governmental response to public opinion would be a democratic response to informed public opinion, rather than a staged response to an 'opinion construct' - whether government or media manufactured.

The role of the media

The media both reflects and creates the opinions of members of the public. However, 'public opinion', as reflected in the media, cannot be easily equated with the views of the populace as a whole, so if it is not public opinion per se which is coming to bear on the government, many commentators have suggested that the influence is actually exerted by the press in the guise of community attitudes and values (Windschuttle & Windschuttle 1981:170). The press *is* public opinion in the eyes of many policy makers (Ericson, Baranek & Chan 1989 citing Sigal 1986:179).

Whether the press is representative of public opinion or not, the question of how influential media reports actually are remains. Janet Chan has argued that the media actually assert far less control over policy and law formation than is generally thought (1995:23). She recognises the potential for influence and cites specific examples where the media have exerted obvious influence, but she ultimately concludes that the policy/law formulation is more complicated than a simplistic cause/effect model would suggest. While Chan is correct to note that policy makers working with politicians do not completely dismiss legal and social science research in favour of knee jerk responses to apparent public opinions it is true to say that the more controversial, and hence 'newsworthy' a story appears, the greater the chance of media comment. Moreover, the stronger the sentiments expressed in the press the greater the likelihood that they will come to the attention of the relevant politician and potentially influence the outcome of pending reform. An overestimation of the role of the media in influencing the law-making process may come from an assessment of the impact of the media on forming and informing public opinion generally. Another step is required before that information goes on (if at all) to influence policy and law-making. This said, recent Australian political history offers many examples of policy change which can be traced, at least in part, to the influence of newspaper coverage; including increased emphasis on sex offences involving children, the abandonment of nursing home bonds and the end of the ACT heroin trial.

The remainder of this paper is an examination of the role of (perceived) public opinion, as voiced in the popular press, on the policy and law-making process. A focus on the popular press should not function to discount the importance of other key-players in the policy and law-making process. Indeed, politicians, government departments, lobby and interest groups all share a role - often as media sources. To suggest that the newspaper has constructed a particular argument or world view is not to negate the participation of non-journalists in the manufacture of apparent consensus.

Case study - the ACT Heroin Trial

In the late 1980s plans for an Australian study into the controlled availability of opioids (the Heroin Trial) were discussed. In 1989 the ACT Legislative Assembly met for the first time. The Assembly appointed a Select Committee on HIV, Illegal Drugs and Prostitution. This Select Committee posited the question: 'would providing heroin to dependent drug users reduce the harm associated with illegal drugs?' (Moore 1996:22). The National Centre for Epidemiology and Population Health at the Australian National University began exten-

sive research and undertook a feasibility study in two stages (Bammer 1995). The first stage was conducted in collaboration with the Australian Institute of Criminology. The feasibility study sought to examine existing literature, evaluate interest and attitudes among key groups, identify legal and ethical issues and evaluate potential models for a trial. At the end of the first stage it was concluded that the provision of opioids to dependent users was feasible in principle (Bammer 1992:2). The second stage of investigation was to examine logistic issues relevant to the implementation of a randomised controlled trial.

In the final stages of the study, the trial had the prominent support of ACT Assembly member, Michael Moore and Chief Minister Kate Carnell and general political support at the Territory level. However, the trial required both Federal and State (New South Wales and Victoria) cooperation which was initially forthcoming. In June 1997 the trial had Federal Cabinet approval. In August 1997 the Prime Minister withdrew support through the denial of essential Federal funding and failure to put in place the necessary legislative and regulatory framework. The trial would also have required Australian political support in the international sphere, where the support of the Prime Minister and Federal Government would have been necessary in Australia's dealings with the United Nations Commission on Narcotic Drugs and the International Narcotics Control Board. Without the support of the Prime Minister plans for the trial came to a halt. In order to illuminate how the popular press directly participates in debate about political issues, influencing the public and the government, this paper will evaluate the coverage of the issue in *The Daily Telegraph* (Sydney) with a view to examining how 'public opinion' was characterised and constructed and how this construct was harnessed as a tool to defeat the trial.

A variety of media sources provide a complex and often contradictory picture on socio-legal issues, including the heroin trial, and this undoubtedly contributes to a wide cross-section of community views on any one issue. Different newspapers provided coverage of the heroin trial which was supportive or more balanced, for example *The Age* (Melbourne) and *The Sydney Morning Herald* both offered cautious support for the trial. However, it is relevant and useful to examine the coverage in *The Daily Telegraph* not only because it has the largest circulation of any Australian daily newspaper at 438 185 copies daily (Peden 1997), but also because it quite explicitly campaigned against the trial through its editorials, its 'op-ed' columns, its increased coverage of drug related matters and its selective printing of letters to the editor. Unlike broadsheet newspapers, which are more likely to embrace the media fiction of 'objective' reporting, the tabloid avowed its determination to defeat the proposed trial. In this regard I want to argue that, at least in a limited sense, published opinion does become public opinion because, despite the existence of multiple news sources with different messages, people consume those sources which 'social structures and social situations supply, albeit guided in acceptance by individual perpetual mechanisms' (Huckfeldt & Sprague 1995:125). So, in a post-structuralist sense the existence of a variety of media, espousing a variety of positions, does not free the individual to choose his or her message, because this information explosion has done little if nothing to affect the social and economic positioning of the media's consumers. This is not to say that when *The Daily Telegraph* claimed to speak for the community it actually represented their views, but rather, in the face of constant unbalanced journalistic opinion and selective examination of the facts the newspaper's position may have been the only position with which some readers were acquainted.

The process of selection and exclusion of details and sources undertaken by the newspaper is a process of social control. It is control exerted not only by the newspaper itself, but also by its sources (Ericson, Baranek & Chan 1991:286). Editorial policy at *The Daily Telegraph* was not always opposed to the heroin trial although the paper has characteristically

adopted a hardline on most drug use.³ In June 1997 *Daily Telegraph* 'op-ed' columnist Mark Day wrote a column entitled 'Let's kick habit of prohibition to save lives' (11 June 1997:11). This column was written in the context of profound media interest in the then recent death of a young woman, Rebecca Bernauer. Initially it appeared as if eighteen year old Bernauer may have died from a heroin overdose. Coronial inquires subsequently revealed that she had been strangled, but not before a familiar discourse lamenting the death of a 'former school prefect', 'innocent schoolgirl' and young woman 'from a loving family' became widespread (11 June 1997:4-5). The fact that Rebecca Bernauer had been a heroin user and had worked as a prostitute would usually have excluded her from media sympathy but, using the right biographical information, the newspaper redeemed her: printing photos of her with her teddy bear and dressed in her primary school uniform, referring to her by her first name, even calling her 'Becky' (10 June 1997:3; 11 June 1997:4-5; 15 June 1997:4). The paper printed her poetry which, they suggested, showed a determination to overcome her problems and eventually they assured readers that she had been drug free for the last three months of her life (15 June 1997:4). These tactics were in keeping with the media's practice that 'harm which befalls 'respectable' citizens, children and the elderly will receive more coverage than incidents involving more marginal members of society' (Grabosky & Wilson 1989:13). Having ensured that Bernauer was situated within the respectable classes, heroin was dubbed by the media 'a drug of middle class' and, as a consequence, it was seen to require solutions, including the ACT Heroin Trial (11 June 1997:4).⁴

In this context *The Daily Telegraph* also ran letters to the editor, in support of the trial, on their page entitled 'THE VOICE OF THE PEOPLE'. One letter by A J Andrews was run under the heading 'All to benefit if addicts get free heroin'. The letter discussed the potential social and economic benefits of the heroin trial (21 June 1997:12). The newspaper recorded the fact the Australian Medical Association (AMA) was supporting the trial, quoting a spokesperson, Dr Keith Woollard as saying, '[y]ou can't just treat this as just some abstract argument about ethics or morals,' (22 June 1997:9) and noting that the Australian public would judge the Government harshly if they did *not* act. However, from 18 July onward there was very little dissent within *The Daily Telegraph*. The Editorial position of the newspaper was opposition to the ACT Heroin Trial and with one brief and very cautious exception,⁵ it was the only opinion which was voiced in the newspaper.

It would be unwise to speculate as to why the change in editorial policy took place, but it is interesting to examine how this change was affected. On 18 July the front cover of the newspaper bore the headline 'HOLD ON MUM' and a picture of a four year old boy holding his mother's hand while she recovered from a heroin overdose on the streets of Cabramatta (18 July 1997). The editorial of that day asked readers to consider the feelings of the child, while other articles informed that this young boy is '...just one of many' children in similar situations (18 July 1997 10). By personalising the issue of drug use through a focus on the suffering of a young child the newspaper distorted the policy issues involved and resorted to simplistic characterisations of the problem and its potential solutions. The ACT Heroin Trial came to be associated with the perpetuation of the suffering of children, such as the one pictured on the newspaper's front page, rather than a potential solution to that suffering.

3 This is subject to exceptions; the treatment of drug users in this paper is affected by race, class and gender.

4 Compare the approach of *The Sydney Morning Herald* to the same subject matter, see for example, 13 September 1997:13.

5 On 22 July 1997, Liberal MP and ex-AMA President Brendan Nelson published an opinion column in *The Daily Telegraph* in which he stated '[t]he ACT heroin trial seems a strange way to go to deal with heroin addiction but it needs to go ahead'.

Criminologists, public health workers and drug experts have argued that the political discourse about drug use is changing (Drucker 1995:66; Snow 1994:151; Makkai 1994:57). They argue that there is a move away from the criminal justice paradigm towards the public health model. Interestingly, the editorials in *The Daily Telegraph* in July and August 1997 focused almost solely on the potential of criminal justice system to solve the drug problem. The editorial of 19 July argued '[i]f we need tougher laws, let us have them. If we need greater resolve by police officers to enforce existing laws, let us have that' (19 July 1997:10). Alternatives to 'strict policing' were dismissed as 'fashionable arguments' (29 July 1997:10). The reasoning contained in the editorials accepted many 'common sense arguments' about law and policy, which have been identified by Russell Hogg and David Brown. These include solutions which involve calls for 'more police, with greater powers, tougher penalties from the courts and for retribution through greater satisfaction of victim's demands' (Brown & Hogg 1996:175, Hogg and Brown 1998:21). Such arguments were advanced even in the light of the well documented failure of tougher policies to affect crime rates. However, as Stanley Cohen has noted, 'the short-term political costs of admitting the futility of these methods are unacceptable' to governments seeking re/election (cited in Lee 1996:157). An unfortunate consequence is the resort to academically discredited populist slogans.

As an adjunct to the editorials, the newspaper ran significantly more stories about heroin use in the main body of the newspaper under the banner headings, 'HEROIN ON THE STREETS' and 'THE HEROIN EVIL' (22 July 1997:8; 23 July 1997:6; 1 August 1997:17). These stories were a collection of court reports detailing sentencing and arrests and a newspaper conducted inquiry into the New South Wales Director of Public Prosecutions' use of discretion to abandon charges against a man allegedly involved in heroin sale. The increase in the number of reports about trials involving heroin was not indicative of a statistical or numerical increase in the number of heroin related charges before the courts. The change in the number of articles on the issue of heroin, the sources approached by the journalists and the tone of the newspaper's copy reflect the level of discretion which rests with a newspaper to determine the content of articles, both from the perspective of subject matter and that of ideology.

In keeping with the new editorial policy the newspaper published only letters to the editor which opposed the ACT Trial, favouring letters which made references to, among other things, 'government funded drug addicts' and the deportation of drug pushers to their 'country of origin' (25 July 1997:12; 29 July 1997:12). Ericson, Baranek and Chan have studied the process of letter selection by a Canadian newspaper, finding that those letters most likely to be chosen are those which accord with the newspaper's social and cultural criteria of what is publishable (1989:338). Printing letters to the editor which are in line with the newspaper's philosophy helps reinforce that philosophy as well as reinforcing the assertion that the newspaper truly does speak for the people.

On 1 August *The Daily Telegraph* reported that the heroin trial was to go ahead. The Government cited the increasing death rate from heroin overdose and labelled the issue a matter of urgency (1 August 1997:17). The trial had both Federal Cabinet approval and the approval of the state health ministers. In response, the newspaper stepped up its attack. They began by attacking the 'Swiss Heroin Trial' (Programme for a Medical Prescription of Narcotics) - a model sharing features with its Australian counterpart. Under the heading 'Heroin trial has little success', journalist Sue Dunlevy argued that the Swiss trial had been unsuccessful because two-thirds of the participants were still taking heroin under the trial 18 months after its inception (4 August 1997:8). Her evaluation of the trial, and those of the journalists who joined her (See Piers Ackerman, 'Facing up to the hard facts on hard drugs',

The Daily Telegraph, 24 July 1997, 11), measured the success or otherwise of the trial solely in terms of its capacity to help people quit drug taking. However, to do so was to misunderstand the objectives of the trial: assisting drug users to bring their drug taking to an end was but one of the objectives in a trial which aimed to examine how best to minimise the social, medical and economic consequences of drug use (Bammer 1995; Drucker 1995).

Constructing public opinion: language, content and imagery

A key tactic of the media generally is to make sure that the opinion(s) that the newspaper is presenting are 'respectable'. A newspaper will interview an individual or commission an article based on the status of that person. In opposing the heroin trial the *Telegraph* drew on the opinions of the Salvation Army⁶ (respectability), drug users⁷ (credibility) and drug experts⁸ (professionalism). However, these sources engaged in the same characterisations as the newspaper. The newspaper used only those sources who would reinforce their position. The AMA were dropped in favour of the police, unsupportive politicians were quoted instead of supportive ones.

The newspaper employed a number of strategies to denigrate the proposed trial, from highlighting how much it would cost to suggesting that it would sanction crime (*The Daily Telegraph* 5 August 1997:5). The *Telegraph* ran stories headed 'Heroin opens door to criminals' and 'Free heroin for 40 to cost \$800,000' on consecutive days. Both articles were misleading. The text of the article on crime actually contradicted its heading, suggesting that those involved in the trial who smuggled drugs into or out of the clinic or were violent towards staff would be barred from the program. The article about the cost of the trial also contained contrary evidence. In the final paragraph of the article it was revealed that an untreated heroin addict may cost the community up to \$75,000 a year while, alternatively, the cost of prison, an option favoured by the newspaper, was revealed as approximately \$50,000 per person. Through an emphasis on economics, the ACT heroin trial was characterised as contributing to the 'drug problem' rather than assisting with the 'drug solution'.

To further undermine the trial the paper also misrepresented it as a stand alone solution to the drug issue. The heroin trial was characterised in opposition to rehabilitative programs, methadone treatment and the criminal justice system rather than as a trial program to be run in addition to the current regime (*The Daily Telegraph*, 7 August 1997:6). Complicated legal and political issues, such as the heroin trial, are mediated through brief newspaper articles. Amenability to simplification is a key characteristic of newsworthiness (Ericson, Baranek & Chan 1987:140). To simplify in this case was to distort and misrepresent; other programs became invisible in light of the emphasis on this trial. Specialised knowledge in the areas of health, law and related disciplines when translated into the news form requires some measure of simplification for the lay audience. Yet, the choice of which details of the trial were included and which were excluded and the differing emphasis afforded to certain facts, were determined according to the object of the article: discrediting the proposed trial. Simple issues such as how much the trial would cost 'the tax payer' became focal (*The Daily Telegraph*, 6 August 1997:7; 10 August 1997:10; 13 August 1997:10). Human interest aspects of the story were prominent, many involving traditional scapegoats such as single

6 *The Daily Telegraph* 5 August 1997: 5.

7 'Drug users shoot down free shoot-ups', *The Daily Telegraph*, 7 August 1997:6. See also Piers Ackerman, 'Save us from the social engineers', *The Sunday Telegraph* 10 August 1997:47, where he comments '[e]very junkie this column has contacted...'.
8 The newspaper commissioned an article by Swiss doctor and anti-drug campaigner, Dr Ernst Aeschbach, commenting on the Swiss heroin trial, 'Hit and miss tria', *The Daily Telegraph*, 6 August 1997:11.

mothers.⁹ Combs and Nimmo have observed that complex policy issues have little appeal as news stories 'if they are recitations of drab statistics, intricate legal ramifications and analyses of costs and benefits of contending proposals' (1996:91).

To lend credence to the *Telegraph's* comments the newspaper consistently claimed not only to reflect public opinion but to be acting to protect the public. *Telegraph* journalist Piers Ackerman stated: '[t]he community is fed up with the way in which the drug problem has been elevated into a political issue' (24 July 1997:11). The use of words such as 'community' suggest cohesiveness and reinforce the notion of 'public opinion' as homogenous (Herbst & Beniger 1994:95). The journalist's comment not only assumed to speak for the public through the vehicle of the mythological 'community', it also insulted this public by suggesting that the issue of drug regulation might credibly be a non-political or apolitical issue. The journalist assumed what Combs and Nimmo have referred to as 'the posture of guardian of the humble' (1996:91). Ackerman ended his article with the threat that '[t]he very real risk now exists that citizens will take the law into their own hands and support vigilante groups' because the government and the judiciary have failed to take a sufficiently hard line on drug issues. The newspaper article functioned simultaneously and explicitly as a source of public information and a threat to government of the apocryphal consequences which would flow from failing to take heed of the newspaper's warning.

The journalist's threats of violence, though initially jarring, are actually in keeping with a discourse which contains continued reference to the language of war. The drug problem was characterised by the newspaper as a war, a battle and a struggle ('Drug war being lost', *The Daily Telegraph*, 22 June 1997:8-9). Its participants were identified as 'veterans', many of whom were members of the appropriately titled Salvation Army (*The Daily Telegraph*, 5 August 1997:10). Piers Ackerman even drew on the rhetorical power of actual veterans to comment: '[t]hose honoured at the National War Memorial would be mightily impressed at the thought of the national capital's new notoriety as Smack City' (*The Sunday Telegraph*, 10 August 1997:47). The newspaper's adoption of the language of war allowed the journalists to characterise the Government's decision to support the heroin trial as enemy action, as acting counter to the People. In addition, as Brown and Hogg have noted: the metaphor of war 'structures and prepares the ground for the necessary tough responses. For war is the realm of the exceptional and the exceptional state of affairs obviously requires exceptional measures in response' (Brown & Hogg 1996:180). Such an approach underlies the calls for tougher penalties and greater police resolve.

The newspaper's appeal to the language of 'community' strengthened its rhetorical claims to representativeness. Journalist Ray Chesterman wrote of the 'gravely disenchanted public' (*The Daily Telegraph*, 4 August 1997:10), Piers Ackerman of the 'fed up' community (*The Daily Telegraph*, 24 July 1997:11), while the editorial of 19 August declared that more than half of all Australians oppose[d] the proposed trial" (*The Daily Telegraph*, 19 August, 1997:10). Without actually interviewing 'the public', identifying 'the public' or even polling 'the public' the newspaper asserted the views of this public.

The newspaper contrasted the government backed 'insanity' of a drug trial with the 'wishes of sensible minded members of the community' (*The Daily Telegraph*, 4 August 1997:10). The paper characterised the Government as out of touch with a public who have 'had enough' (*The Daily Telegraph*, 4 August 1997:10). As it became more clear that the Prime Minister was likely to withdraw Federal Cabinet support for the trial, the *Telegraph*

9 Eg 'I'm Ashamed: by the mother who shocked the nation', *The Daily Telegraph*, 25 July 1997:1; 'Addict mother robs elderly women', *The Daily Telegraph* 5 August 1997: 5.

argued that this was a response to the increase in 'community opposition' (*The Sunday Telegraph*, 10 August 1997:8). Disapproval of and scepticism towards the trial was associated with 'common sense', consequently the defeat of the trial was heralded with an editorial entitled: 'Sense prevails' (*The Daily Telegraph*, 18 August 1997:10). It is difficult to argue with someone who is appealing to the common sense or logic of their position. Yet, attaching the label 'common sense' to an idea should not function as an automatic barrier to critique. As anthropologist Clifford Geertz has noted common sense arguments are appealing because common sense is seen to possess the properties of being natural, practical, simple and accessible (cited in Ericson, Baranek & Chan 1987:17). Ericson, Baranek and Chan have commented that '[t]hese characteristics make common sense seem so obvious that it is difficult to reflect on it, let alone analyse it' (1987:17). David Brown and Russell Hogg have examined the application of common sense logic to Australian debates about criminal justice (1996:175-191, Hogg and Brown 1998:18-44). They argue that common sense positions are determined through the repetition of unquestioned assumptions which are treated as irrefutable facts. The existence of common sense views regarding law and order issues has functioned as a barrier for those wishing to implement criminal justice policy (Brown & Hogg 1996:175).

The power of visual imagery to evoke emotion or crystallise opinion is well established (Marshall & Kingsbury 1996:127). As an extension of editorial comment, *The Daily Telegraph* runs a topical cartoon adjacent to the daily editorial. Positioned next to the editorial, the cartoon shares the space where all semblance of objectivity is discarded, the space where 'the news organisation is explicitly offering its institutionalised view of a particular slice of the world' (Linsky 1988:209). In August 1997 *The Daily Telegraph* ran a series of cartoons which commented on the proposed heroin trial (see **Figures 1-4**, *The Daily Telegraph* 5 August 1997:10; 13 August 1997:10; 19 August 1997:10; 20 August 1997:10). In **Figures 1, 3 & 4** the cartoonist depicted the Federal Minister for Health, Michael Wooldridge as a nurse, driving an ice cream van, labelled 'Mr Trippy' and handing out free heroin. The image in **Figure 1** evokes the notion of the corruption of youth. The drug user is depicted as crazed and hence dangerous as he is handed several syringes from the van by the side of the road. The drug seller is a Government Minister; this image being in line with the written comments of the paper which referred to the Government and its Ministers as drug pushers (*The Sunday Telegraph*, 10 August 1997, 47). **Figure 2** depicts an obviously disturbed child in a near empty room labelled 'HEROIN TRIAL CHILD MINDING CENTRE'. Above the playpen hangs a mobile consisting of syringes and figures of the grim reaper. Because of the nature of the medium the visual image cannot debate the issue, it cannot consider the position of children whose parents are currently heroin users, it cannot contemplate the dangers involved in failure to provide child care to heroin users. The final figure (**Figure 4**) represents the Prime Minister driving a steamroller over 'Mister Trippy's' van; a victory for the Prime Minister (and the newspaper), while a dismayed Health Minister looks on. While the Prime Minister is dressed in a suit (symbolic of authority), the Minister for Health, in contrast, is dressed as an overweight female nurse, complete with anachronistic nurse's cap. That he is dressed as a woman is not incidental to the intention of the cartoonist to denigrate his political stance. A politician in drag cannot be taken seriously. Alison Young has convincingly argued that '[c]rime's images are structured according to a binary logic of repression. Oppositional terms (man/woman, white/black, rational/irrational, mind/body and so on) are constructed in a system which makes one visible and the other invisible', one valuable, the other dispensable (Young 1996:1). To constitute the image of the Minister for Health as woman was to devalue his political position.

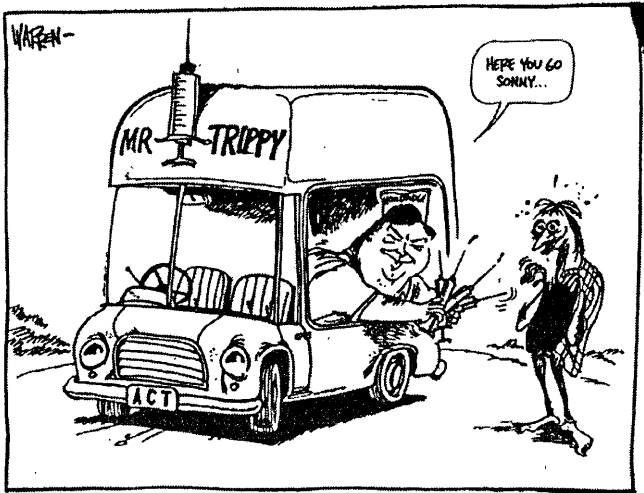


Figure 1: *The Daily Telegraph* 5 August 1997, 10. The Minister for Health distributes handfuls of heroin to Sonny' (Cartoonist: Warren).

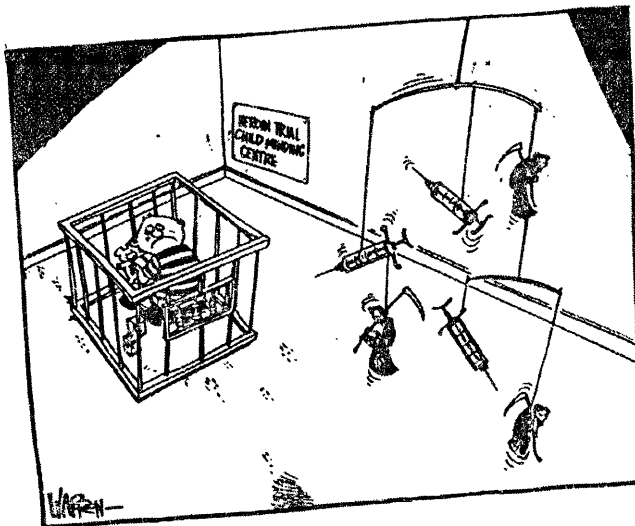


Figure 2: *The Daily Telegraph* 13 August 1997, 10. A frightened child is traumatised by his stay in the 'Heroin Child Minding Centre' (Cartoonist: Warren).

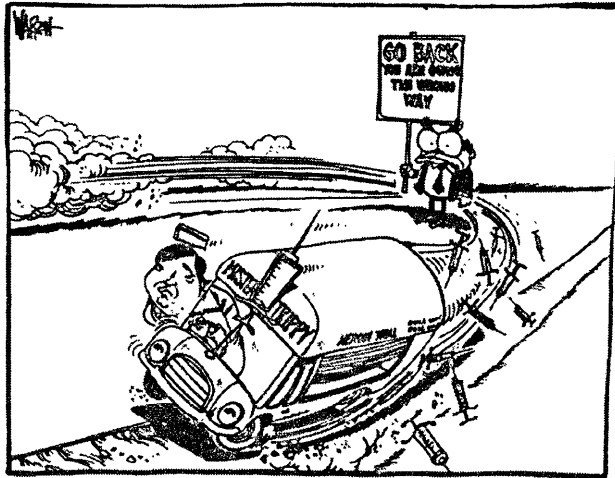


Figure 3: *The Daily Telegraph* 19 August 1997, 10. The Government does a policy U-turn, allegedly at the behest of the PM (Cartoonist: Warren).

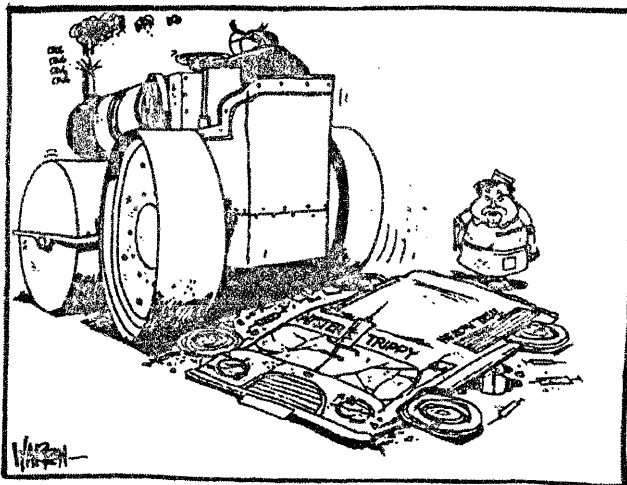


Figure 4: *The Daily Telegraph* 20 August 1997, 10. The planned trial is metaphorically flattened by the PM (Cartoonist: Warren).

To argue that the graphics misrepresent the heroin trial is to engage in a statement of the obvious and also to misunderstand the nature of political satire, which seeks to affect change through ridicule. Yet, it remains valid to note that the use of satirical cartoons reduces the issue to its most simplistic level - to the image which is most evocative, no matter how unrealistic that image may be and in so doing draw on stereotypes and popular myths: the drug-pusher, the bad mother, the corrupter of youth.

There was political value in the Government's conforming to *The Daily Telegraph's* point of view. The Federal coalition Government, and more obviously the Prime Minister, were associated with the 'good sense' the newspaper lauded and the decision to withdraw support earned the Prime Minister an editorial entitled 'Triumph of pure leadership' (*The Daily Telegraph*, 20 August 1997:10). While *The Daily Telegraph* did not disavow its own involvement in the trial's abandonment ('*The Daily Telegraph* has campaigned relentlessly against the ACT experiment and for that we make no apology', *The Daily Telegraph*, 20 August 1997:10) it allowed the Prime Minister to share in the responsibility for having brought the proposed trial to an end. With a popular daily newspaper campaigning relentlessly against the trial¹⁰ and claiming to represent community views, the Prime Minister's action in banning the trial demonstrated, as Smith has argued that '[w]ith the mass newspaper was born the politics of image - the need to perform before democracy rather than argue with it' (cited in Ericson, Baranek & Chan 1989:173). And so bold actions such as bringing the heroin trial to an end create dramatic denouements to media constructed morality plays.

Having successfully campaigned against such an initiative, the newspaper was a fickle friend to both the government and the public it purported to represent. A new issue became newsworthy and the drug issue was left alone. The alternatives to the heroin trial posited by the newspaper during its campaign were no longer championed. Popular journalism favours the brief topical encounter rather than the sustained examination and evaluation of policy issues. The press and especially the tabloids have an event orientation which is antithetical to continued analysis (Linsky 1988:219).

Conclusion: Responsive and Responsible Policy Solutions

Law and policy should not only be responsible and responsive but visibly so. In a media industry dominated by public relations and private interest groups, government information needs to be as easily available and as easily digestible as a sound bite from a public relations company or a community interest or lobby group. Governments have to be less afraid to lead with information, rather than sitting back and waiting to gauge public opinion before they test the waters themselves. Afraid of provoking controversy, governments will always be forced to react rather than act in the policy area.

The press is always going to be an essential tool of government. It is the conduit through which the ideas of politicians and policy makers reach the people. But governments and bureaucrats cannot automatically assume (or pretend) that the information-exchange is mutual. The attitudes and opinions presented in the papers are but constructions of sectors of the public as mediated through the over-arching concerns of the medium. A recognition by government of the diversity of public opinion and a willingness to move beyond the tabloid dailies and their sources will reveal a more varied public with a wider variety of

10 'I think that in the last week particularly, as we fought to have this thing canned, that we were pretty single-minded about it,' *The Daily Telegraph* editor, Col Allan told ABC radio, *The Sydney Morning Herald*, 23 August 1997: 35.

opinions and hence a greater scope for government action on a wider variety of issues (Marsh 1997:77).

The adversarial two-party political system ensures a perpetuation of the 'election campaign' style of government even for the party in power (Crick, cited by Marsh 1997:79). Politics becomes a competition where ownership of the right issues is the key to electoral success. This is exacerbated at a state level by shorter political terms and the desire to ensure that the run up to an election is dominated by 'good news'. Such constraints inhibit law and policy making which is progressive, forward thinking or potentially controversial. Rather than engaging in 'attempts to govern' (Lee 1996) where current policy-making is merely a response to the failures of former policies, governments should not be afraid of adopting an approach which genuinely asks the question: 'what is good for society?' (Reich 1988:4). This would constitute a move away from policy making which is dependent upon the reiteration of agreed upon presumptions or common sense logic.

It should be remembered that law makers take bold actions on controversial issues generally at the expense of those who are already disenfranchised, prisoners, drug users, the poor. And while this is unlikely to provide governments with sufficient motivation to avoid such actions, they should also recognise that populist slogans and commitments like the recycled 'Tough on crime, tough on the causes of crime' or the newly adopted 'Tough on Drugs' are not going to solve the problems, let alone necessarily satisfy the greater public. Because, as Brown and Hogg have commented, such policies 'assume it is possible to generate public confidence by putting more people in prison' (1996:187) or, I would add, by threatening to put more people in prison.

True consultation means moving beyond the front page and the latest poll and consulting all those whose interests are directly affected by proposed change, not merely the loudest, the strongest and the richest. An approach to government which consists of the combination of sound policies and effective public relations means that there must actually be some substance behind the slogan. A greater awareness of the impact of policies will make them easier to defend and allow politicians themselves to define 'leadership' rather than being told how to act and praised as leaders for *following* instructions. Real democracy requires dialogue between the governing and the governed, but it is a mistake to believe the requirement of dialogue is satisfied in the pages of a tabloid.

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