Killing innocents

An analysis of historical news reporting of multiple-child murders in New Zealand and the legislation that changed the crime reporting framework

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Abstract

The murder of children – innocents who require nurture and love - is one of the most horrific and inexplicable of crimes, and has generated innumerable column inches of newspaper reportage. This research project addresses a gap in academic research by examining naming and framing practices in newspaper accounts of multiple-child murder cases in New Zealand during the 60-year-period from 1870 to 1930. It also examines the discussion around New Zealand's suppression laws and their introduction and evolution in legislation and in common law; these laws changed the framework for how multiple-child murders could be reported in news reports. The research into the evolution of suppression laws, beginning at the turn of the twentieth century, is used to examine whether these legal changes altered the media landscape and the way multiple-child murders were reported. Drawing on a database of digitised historical New Zealand newspapers, and using both qualitative and quantitative research methods, this study examines how historical New Zealand journalists crafted stories of multiple-child murders, and illuminates whether some media practices observed in other Western nations, in both modern and Victorian times, are also evident in historical New Zealand news reporting. Earlier research has found that in cases of murder, one way that journalists seek to explain the actions of the accused persons is by broadly constructing frames for them using categories of 'mad', 'bad' or 'sad'. An historical analysis of the evolution of New Zealand's unique name suppression laws also illuminates a broader media context which affected whether and how media could name and create frames for those involved in the court process. The findings showed that newspapers at the end of the nineteenth century and the beginning of the twentieth century named the accused killers much more frequently than their victims, effectively raising the killers' profile while diminishing the status of the dead children. In addition, the findings also suggest that while coverage of early New Zealand child murder cases broadly fits within classic theories of media framing of crime, in particular the use of 'mad', 'bad' or 'sad' categories to create frames for murderers, there are distinct limitations to expecting that modern explanatory models and taxonomies can or should apply. The examination of the evolution of New Zealand's name suppression laws shows that the increasing judicial, media and public discourse around these laws had little impact on the naming patterns in the multiple-child murder cases examined. The research, however, illuminates a little-examined area of New Zealand's media history and reveals that the restrictions on the information which may be published in crime and court news have been imposed gradually over more than 100 years

and have eroded press freedoms in New Zealand. Analysis of the development of New Zealand's suppression laws has illuminated some of the reasons that 'newsroom practice' in New Zealand developed in unique ways and demonstrates that, while certain journalistic challenges may be universal, individual media/cultural contexts may have highly distinct impacts on journalistic practice. This research project has contributed to a more thorough understanding of historical newspaper practices and suggests that these reporting practices were not monolithic. This research shines a light on reporting practices in New Zealand which, during the period analysed, evolved from a British colony to a nation with its own unique identity and, to a degree, the study addresses the limitations of British and North-American focused scholarship to date, providing a useful and needed extension of the literature on historical journalism.

Keywords: New Zealand media history, multiple-child murder, media framing, media naming practices, name suppression, press freedom

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List of original articles

Article one

Memorialising the murderer: An analysis of historical newsroom practices examining naming patterns of killers vs. victims.

Co-authored with my PhD supervisors, this article is complete and ready for journal submission.

Article two

Demented mother, Maniac with a gun, Madman: Prejudicial language use in historical newspaper coverage of multiple-child murders in New Zealand.

Accepted for publication in: *Emerald Studies in Media and Communication*, *Volume 23, Mass Mediated Representations of Crime and Criminality,* forthcoming in 2021.

Article three

What's in a name? A history of New Zealand's unique name suppression laws and their impact on press freedom.

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2 Introduction

2.1 Background and motivation

Few people will ever be involved in a crime as serious as murder. For most people, their only exposure to such a terrible event is in fictional stories and television programmes or factual accounts reported by the media. But these media accounts of murder have not always been told in the same way. Examining reportage of a murder in a newspaper published 150 years ago, one cannot help but notice a marked difference in reporting style to similar cases reported by modern media.

New Zealand officially became a British colony with the signing of the Treaty of Waitangi in 1840. Settlers began arriving in large numbers soon after and, along with their crates of belongings, brought with them the values, traditions and laws of the British Isles. New Zealand, however, was not a small version of England. Early New Zealand settlers faced many trials, including having to clear land for farming, a lack of provisions, and conflict with the indigenous Māori people. New Zealand's first newspapers were independently owned and were modelled on the English dailies (Grant, 2018). However, media in New Zealand has had to evolve from its English origins due to many factors including the country's geographical isolation and its involvement in the development of a new sense of nationhood and distinctive societal makeup. In early New Zealand, newspaper reporting was the primary source of information about criminal trials. New Zealand newspapers initially followed the traditions of the English papers by providing verbatim reports of many court sittings, with some cases being singled out by editors for sensational coverage (Powell, 2013). Murders of children were unfortunately not uncommon in early New Zealand for a variety of reasons, including the lack of State support for unwed mothers and the stigma of having a bastard child. Newspapers singled out a few of these cases for sensational coverage. Murders of multiple children, however, were uncommon and such cases usually warranted much greater news coverage.

Much research has been devoted to how contemporary media report homicide cases, especially in the United States of America, the United Kingdom and in Europe. Contemporary journalists will choose certain pieces of information to include and emphasise in their news stories which creates frames to make sometimes complex information easier for

audiences to understand (Entman, 1993). Researchers have also observed that modern journalists will often construct frames for accused murderers, particularly those accused of one of the most heinous and newsworthy of crimes, the murder of children, which portray them as being either ‘mad’, ‘bad’ or ‘sad’ (Easteal, Bartels, Nelson & Holland, 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2007; Weare, 2013). A limited amount of research has investigated media decision-making around the naming of accused killers and their victims. Results of research into naming practices indicates that those who were killed are named less often (Chermak, 1995; Wykes, 2001), effectively giving their killers a higher profile than the victims. One hundred years ago, however, newspaper reports of murders read very differently. Characteristically, they presented emotionally laden accounts of the fatal events, including graphic descriptions of victims and crime scenes, followed, in subsequent reporting, with verbatim transcripts of the murder trials. News coverage of multiple-child murders in New Zealand during this historical period has received little academic attention. In fact, there are few academic studies into media coverage of homicide, either historical or modern, in New Zealand. This poses a significant gap in understanding of media coverage of such crimes in New Zealand compared to research into this coverage in the United Kingdom, North America and some other Western nations.

To illuminate how early New Zealand journalists crafted news stories of some of the most heinous of crimes and to what extent and in what form the identified modern patterns of naming and framing of those players were present, colonial news reporting has been analysed. Present-day debates about press freedoms and about the ethical dilemmas around naming mass murderers (or more commonplace criminals) may be informed by an understanding of how these issues have been wrestled with in the past, helping both explain and interrogate present attitudes. The debate is not just about naming in and of itself, but about attendant challenges to journalistic ethics, including the confronting suggestion that naming killers may increase their notoriety and may diminish the status of victims. By employing words and phrases which categorise criminals who go far beyond what might be considered the bounds of human decency, journalists seek to 'explain' the actions of these deviant individuals and define the threat they represent to society. The news media’s right to name such criminals and the employment of explanatory words and phrasing to categorise them may compete with the promotion of privacy and protection of individuals and their rights to a fair trial.

2.2 My personal journey

My 25-year career in journalism and journalism education, much of which has involved court and crime reporting, sparked my interest in studying the embryonic stages of reporting such news in a newly formed British colony. As a reporter, I was struck by the fact that in covering murder cases, I and journalists from competing news organisations would often select the same information to include in our stories and our stories would frequently label and describe the accused killers in the same way. I was also interested in the decisions made by my news directors and editors about which cases they chose for elevation to the front page of the newspaper or prominent placement on the online news platform and which cases were relegated to the lesser news pages. I wanted to understand what historical decisions might have informed these patterns and how New Zealand's suppression legislation may have changed the framework for reporting crime news over the years. In reading historical news reports of murder cases I observed that in some cases newspapers portrayed the killers as monsters, but in others the killers were painted as worthy of sympathy and understanding. These were similar trends to those I had observed in cases that I had written about around 100 years later. While it is no longer possible to ask those long-dead media practitioners why they chose to name and portray those killers in the way they did, analysis of their stories could illuminate some patterns and trends. As a New Zealander and a journalist, I wanted to know more about the history of journalism in my own country, as, while a number of international studies have examined media history in a Western context in other countries, New Zealand's history is both abbreviated and unique in comparison. I wanted to explore the possibility that the decisions that I, and my contemporaries, made in reporting modern murders in New Zealand might have been influenced, or in some other way shaped, by the way journalists wrote about similar murders 100 years ago.

2.3 Aim of the study and research questions

The main aim of this research was to address a gap in understanding of how colonial New Zealand media crafted factual accounts of murder – specifically multiple-child murder. One subsidiary aim was to determine whether certain patterns identified in modern reporting of these crimes were evident in colonial reporting despite the apparent difference in reporting styles between these eras. Exploration of historical New Zealand journalism might also suggest how the media's framing and the use of narratives within news stories, written at a time when media decision-making was (at least initially) largely unrestricted by legislation, might have a potential to impact those involved with criminal cases, the broader community and the judicial process. In line with these aims, this research also examined the evolution of New Zealand's unique name suppression legislation and the impacts these legislative developments have had on journalistic freedom to craft narratives around crimes. This research, out of which three articles have emerged, aimed to explore the diverse ways that decisions around the naming of accused murderers and their victims and the portrayal of those accused killers, in news stories published in New Zealand newspapers between 1870 and 1930, were shaped by the broader media context.

To investigate this, three overarching questions were proposed:

1. How did historical New Zealand journalists write about multiple-child murders?

2. How does media coverage of early New Zealand child murder cases fit or deviate from classic theories of news media crime reporting such as framing of crime?

3. How have New Zealand's suppression laws changed over the years since 1900 and how did they alter naming patterns of accused persons in stories about multiple-child murder up to 1930?

A wide range of media reports as well as historical and current legislation and transcripts of Parliamentary proceedings have been analysed in order to answer these questions.

Article one, “Memorialising the murderer: An analysis of historical newsroom practices examining naming patterns of killers and victims”, examines publication of the names of killers and victims in newspaper reports in New Zealand, between the years of 1870 and 1930. This timeframe spans an era from a point when those in the media were the sole determiners of whose names would be published in court and crime news through the introduction of the first pieces of legislation which allowed for judiciary to prohibit some evidence and names from publication. The more frequent naming of the accused killers over their victims in news reports is a practice that arguably raises the profile of the perpetrator and diminishes the status of their victims. Article two, “Demented mother, Maniac with a gun, Madman: Prejudicial language use in historical newspaper coverage of multiple-child murders in New Zealand”, extends the research in article one and examines, under the broad categories of ‘mad’, ‘bad’ or ‘sad’, the language choices New Zealand media made in describing accused multiple-child murderers in newspapers between 1870 and 1930. This article also reflects on whether some of the choices might have had the potential to, either wittingly or unwittingly, influence potential jury members at a time when journalists were less restricted by suppression laws. Article three takes a step back to look at the development of the particular legislative context of suppression orders in New Zealand and the shaping effects it has had on media reporting practices. “What’s in a name? A history of New Zealand’s unique name suppression laws and their impact on press freedom”, provides the historical context for the practice of naming those involved in criminal cases, and also examines the impact of legislation around naming decisions on press freedoms. Article three illuminates the context of the media landscape in which media operated and made decisions about the naming and construction of frames for accused persons and their victims between 1900 and 1930, the second-half of the research period examined for articles one and two.

Article one reports quantitative research and article two reports qualitative research, both articles building on content analysis of historical newspaper reports on high-profile, multiple-child murder cases over the 60-year period between 1870 to 1930. Article three examines the 115-year evolution of New Zealand’s unique suppression legislation through an examination of various bills and acts, historical newspaper reports and *Hansard* transcripts of Parliamentary debates. Article three explores how media practices around the naming and portrayal of those involved in crime news, as discussed in the first two articles, was increasingly curtailed by iterations of suppression laws. The three articles together shed light not just on historical media practice around the naming and framing of accused persons, but

also on the fine balance between protecting individuals' privacy and fair trial rights against the principle of open justice and media freedom and extends understanding of the broader media history in New Zealand.

3 Literature review

3.1 Crime news

Crime is an important source of news for news media organisations (Chermak, 1998; Katz, 1987; Lundman 2003). Researchers have found, for example, that in the United States of America, between 10 and 50 percent of news coverage is related to criminal offending (Gruenewald, Pizarro & Chermak, 2009). In New Zealand, one study found that more than 16 percent of hard news reported in newspapers was comprised of crime news and over 40 percent of crime news was devoted to court reporting (McGregor, 1993). A later study of newspaper coverage of crime news, in 2001, shows crime news as a proportion of hard news coverage had increased to more than 19 percent (McGregor, 2002a). The media's intense focus on crime news is not a modern phenomenon. Crime news has been intrinsic to metropolitan daily newspapers in the United States for more than 150 years (Katz, 1987). Reporting of crime and court news allows the media to serve as a moral conscience for their audiences and to reinforce that those who act outside society's agreed rules will be punished (McGregor, 2002). An important social function is served by reporting of crime news as media organisations' portrayal of crimes can influence their audience's understanding (and fear) of crime (Pritchard & Hughes, 1997). Understanding the media's decision-making process about which crimes, criminals and victims to highlight and the way frames are constructed for these is important, as focus on certain types of offending, over time, shapes an interpretive framework on which legislators and the public base solutions to crime and social problems (Gruenewald, et. al. 2009; Katz, 1987; Pritchard & Hughes, 1997).

There are few academic studies into media coverage of homicide, either historical or modern, in New Zealand. This poses a significant gap in understanding of media coverage of such crimes in New Zealand when compared to research in the United Kingdom, North America and some other Western nations. In Australia, New Zealand's nearest neighbour and with a similar colonial history and media landscape, research has examined media coverage of several homicide cases (for example see Hess & Waller, 2012; Hawley, Clifford & Konkes, 2018).

There are exceptions which give some insight into New Zealand media practices. McGregor's (1993) examination of newspaper coverage of crime reporting in five New Zealand publications in June 1992 highlighted the media's disproportionate publication of

news stories about murder and manslaughter compared with news about other crimes. McGregor's research identified that while murder and manslaughter made up only 0.025 percent of reported offences, news stories about murder and manslaughter made up 13.44 percent of all the crime news stories published in the five newspapers in June 1992 (ibid). McGregor also identified that much of the crime news reporting was of an episodic nature focusing on individual crime events, and little news was devoted to broader criminal justice issues. McGregor notes of one of the murder cases reported during the period that the accused killer was portrayed as being different from others and was also portrayed as being disturbed (ibid). This finding suggests that New Zealand media in a more recent era constructed a 'mad' frame for a person accused of murder. McGregor's analysis also found that the newspapers often provided simplistic explanations and motives for murder and manslaughter cases such as ferocious anger, jealousy, insanity or revenge, a finding which also indicates 'bad' and 'mad' categorisations for accused killers in New Zealand news reporting (ibid).

Another research project, presented in a doctoral thesis by Debra Powell, examined narratives employed to describe perpetrators of child homicide between 1870 and 1925 (Powell, 2013). Powell's thesis uses gender as the main category of analysis in its comparison of legal and popular press discourses around the crimes. Unlike the present study, Powell's does not examine whether the narratives employed by media, for accused of both genders, correlated with the 'mad', 'bad' and 'sad' categories observed in modern news reporting. Analysing the media's employment of 'mad', 'bad' and 'sad' classifications, and the nuances thereof, may provide a powerful tool for assessing historical newsroom practices, but may also be revelatory of the attitudes and values held by media at that time.

Like McGregor's 1993 research, McKenna, Thom and Simpson (2007) observed that some accused persons with mental health issues were reported on by media differently than others. McKenna et al. (2007) compared New Zealand media coverage of cases in which the accused persons were found not guilty by reason of insanity with reportage of accused killers who had no mental illness. While McKenna, et. al. (2007) hypothesised journalists would construct frames around the accused killers with mental health issues in a manner which would encourage audiences to develop specific interpretations, their results did not show this. The results did, however, find the cases were covered differently. Specifically, media were more likely to provide personal background information and psychiatric history in the cases

involving a mentally ill offender, even if this information was unrelated to the offence (McKenna, et. al., 2007). McKenna, et. al.'s (2007) research examined only a four-year period between 1996 and 2000. While McKenna, et. al.'s research does provide a snapshot of reporting of those who would likely fit into the 'mad' category of the 'mad', 'bad' and 'sad' triptych, research covering a longer timeframe, similar to that conducted in the United Kingdom by Wardle (2007) covering a 70-year period, might reveal long term trends over time in media framing of accused murderers with mental health issues in New Zealand.

Hardy and Gunn's (2007) research examined media reporting of the 2003 murder of six-year-old girl Coral-Ellen Burrows and reporters' adherence to ethical codes. The study also noted the media's framing of the case evolved over time as events unfolded (Hardy & Gunn, 2007). Initially a frame was constructed around the family who was pleading for the return of its missing child. Subsequently, when her stepfather was arrested and charged with her murder, the frame shifted to the case being another in a trend of horrific crimes of child murders by adults in the area at the time, attracting a large amount of media attention (ibid). Following the stepfather's conviction, the frame shifted again to the growing social problems caused by methamphetamine, a drug to which he was addicted (ibid). Finally, the spotlight fell on the failure of government agencies to protect children living in vulnerable situations (ibid). Hardy and Gunn's research, while valuable in relation to a discussion about the media's sometimes loose adherence to ethical standards in high profile and sensational crimes, does not investigate in any depth the journalists' news values decisions, and offers limited explanatory power of media practice as it does not make comparisons of news values decisions across similar cases.

3.1.1 Māori in crime news

It was common practice in early New Zealand newspapers to identify Māori accused of crimes by their race (Thompson, 1954). Thompson's 1954 study of news reporting of Māori affairs in the late 1940s and early 50s showed that race-labelling in news items was a feature in almost all the newspapers examined. The practice of race-based labelling for Māori in crime news created considerable resentment as it was almost entirely limited to Māori (ibid). Thompson identified that media frequently applied the labels Māori, half-caste Māori, quarter-caste Māori and native in describing those accused of crimes and even when half and quarter-caste were used the other race(s) was not identified (ibid). Matheson's (2007)

research into coverage of Māori in modern news suggests that journalists may be limited in seeing their reporting practices as being influenced by white dominance, finding that modern journalists' prejudices are rooted in colonial attitudes to cultural differences (ibid). Other research supports the contention that colonial dominance of Pakeha over Māori continues to influence media practice (Rankine & McCreanor, 2004). The result of colonial dominance is that reporting of Māori reinforces the position that Māori are subordinate to Pakeha and frequently more criminal (ibid). This hegemonic Māori-Pakeha relationship in media coverage of crime was evident in early colonial New Zealand reporting and is an ongoing feature of modern news (McCreanor, Rankine, Moewaka Barnes, Borell, Nairn & McManus, 2014).

While these studies provide important investigative snapshots of homicide reporting in New Zealand, the present research will examine newsworthiness and framing of child homicide cases over a much longer timeframe and will make comparisons between similar cases. This will reveal how New Zealand journalists working in a colonial era approached reporting of multiple-child homicide cases, crimes which by their nature were some of the most horrific of all human transgressions. Analysing the media's approaches in these multiple-child murder cases will extend understanding of news values and framing theory and their evolution, by exploring news stories in an era when news reporting was transitioning from emotionally descriptive and sentimental to a harder, more objective style still in use in modern reporting today (Stabile, 2006). This analysis will enhance understanding of the ways in which news values and framing practices may change over time and will also extend understanding of New Zealand's name suppression laws, their origins, and the impact these have had on the media landscape.

3.2 Reshaping the rules

Prior to 1905, New Zealand media practitioners held the sole right to determine what information would be published from the criminal courts and up to 1920 they were also able to choose whose names would be made public. Prior to the introduction of name suppression legislation, it was generally agreed by most major newspapers that all accused persons would be named in court reports except for first offenders of drunkenness, children under 15 years who appeared in Juvenile Court, and debtors who successfully argued against imprisonment for unpaid debts ("A flaw in the law", 1920). If judges believed there was a need for an individual to have his or her name kept from publication, the judge would make a request to the media who would decide. According to the editor of the *Poverty Bay Herald*, these decisions were made with difficulty and with full cognisance of the impact they had on those involved ("Independent" newspapers, 1882). The editor, in describing his anguish over whether or not to name a man who assaulted his wife after the victim implored him to keep her husband's name out of the newspaper, wrote:

> Without impugning his independence, an editor who knows his business, and no other should have control, must be allowed to exercise his own judgement. The bare circumstances of having to relate bare facts, which cannot in all fairness to readers be held back or blotted out, frequently gives great pain to a newspaper pressman (ibid, p. 2).

It appeared that some newspaper editors felt the right to publish names, not solely from court cases, was a means of applying pressure on those whose actions breached society's morals and codes. In one newspaper, the editor wrote a warning to a resident that if they continued to tip their rubbish into the gutter the newspaper would be compelled to publish their name in the interests of the town (Local & General, 1883). Similarly, in 1885, the editor of another newspaper warned a local tavern that if he heard any further reports of underage boys being served alcohol in the bar he would publish the name of the hotel (Men, women and things, 1885). In 1903, one judge, who was asked by a defendant to order the media not to publish his name, responded by saying he did not have the authority to order the press to do so, saying such matters were "entirely withing the discretion of the conductors of the press themselves" (*Evening Star*, 1903, October 23, p. 4). In that era the rules about publication of

potentially prejudicial information, such as evidence of previous bad character, prior to, or during a trial, were also less strict. New Zealand's court-related suppression laws, which prevent the publication of some names and information in court and crime news reports, were first introduced in 1905 (Criminal Code Amendment Act 1905). The 1905 suppression allowed only for judges to prohibit publication of evidence of a sordid nature from certain sex-related cases, and then only for the protection of public morality (ibid). Many of the early decisions around legislation that would prohibit publication of names and details in criminal courts were made without the input of members of the media. In 1920, at the request of probation officers who hoped to give young, first offenders a second chance, Government gave the judiciary the power to suppress names of first offenders eligible for probation (Offenders Probation Act 1920).

Today, New Zealand's law allows for anyone charged with a criminal offence to apply for a court order which prevents the media, and anyone else, from publishing their names and any other identifying details, either temporarily or permanently (Criminal Procedure Act 2011). In addition, a judge may choose to suppress any or all details of the case (ibid). There are numerous other suppression orders which are enshrined in legislation and are automatically applied (see for examples the Oranga Tamariki Act 1989 which deals with naming of young offenders and the Bail Act 2000 which prevents publications of details of bail hearings). Members of the media must have a good working knowledge of these laws in order to avoid the pitfalls of breaching such an order. In effect, this means that unlike journalists working at the turn of last century in New Zealand, today journalists must consider what information they are legally barred from publishing in addition to making the routine decisions about which crimes to cover, how much coverage they will get, and how the crime and the players therein are portrayed.

3.2.1 Suppression in common law

Name suppression could have been applied for in some of the cases examined for articles one and two in the period from 1920 to 1930; however, in none of these cases was it sought. The issue of name suppression was, however, a subject of much debate in this time and in the 20 years prior, potentially affecting if the accused persons were named in the news stories examined for this research and how frames for them were constructed. While article three examines the legislative changes in suppression law, an examination of common law changes

to suppression of names and information and the discussions surrounding these helps to further illuminate the media landscape at the time of writing of the stories examined for this research.

As noted above, while judges did not have the power to suppress names in criminal courts prior to 1920, they could ask the media not to publish the names of those who appeared in court. This practice appears from newspaper reports to have been uncommon prior to 1900. From a review of newspapers post-1900, however, it is clear that the practice of judges asking media to voluntarily suppress names was increasing. In 1908, a newspaper editor in Dunedin complained that judges were making too many requests for names not to be published (*Evening Star*, 1908). "If they go on at the present rate, it will soon come about that to publish a defendant's name will be the exception," he wrote (ibid, p. 6).

While, as noted above, many judges acknowledged that decisions about whose names would be published were the purview of the press, at least one judge used a novel strategy to try and create suppression law in his court. The judge, Henry Fitzherbert, received strong criticism from the *Truth* newspaper for trying to protect the identities of a number of highly respected men who were alleged to have been drunk at a hotel in the city (Suppression!, 1908). Fitzherbert, in order to prevent newspapers from publishing the names, allowed the drunk men to be referred to in court only by initials (ibid). *Truth* responded by accusing the judge of deliberately joining in a conspiracy of silence (ibid).

Truth was often outspoken against name suppression and in March 1919, the newspaper took a stand against judicial requests for the press to suppress the names of defendants (Magistrate Widdowson's request, 1919). The newspaper pointed out that judges were more inclined to ask for names to be suppressed if the person involved was wealthy, and thus it published the name of a wealthy woman who stole a ring, despite a request from the judge not to (ibid).

Then, in 1920, the judiciary were legally granted the power to suppress the names of first offenders eligible for probation (Offenders Probation Act 1920). Little advice, however, was provided to the judiciary about how the new law should be applied, leading to some confusion ("Local and General", 1921a). One magistrate, Robert Dyer, in remarking that lawyers were making too many name suppression requests, noted, "A law has been passed giving Magistrates the right to order the suppression of names, but on what basis we are to

act I do not know" (ibid, p. 6). The confusion about the practicalities of name suppression led some judges to set inconsistent precedents. In 1921, Magistrate Joseph Poynton declared: "The names will not be suppressed unless the offender is under 21 years, and is a first offender" ("*Auckland Star*", 1921). Two months later, Magistrate Samuel McCarthy took a narrower stance stating, "Mr. Poynton has decided not to extend this provision of the non-publication of names to any over the age of twenty-one, or beyond the first offence. In my opinion, that is too wide. I intend to confine it to juveniles under the age of sixteen" ("Local and General", 1921b, p. 6).

The age for eligibility for name suppression was not the only issue of contention. Magistrate J. R. Bartholomew, presiding over a case of concealment of birth in Dunedin in 1921, questioned whether he had the power to suppress the accused girl's name as the charge was an indictable offence (A pitiful case, 1921). Bartholomew adopted the view that the court did have the power to suppress names in indictable cases, subject to his decision being overruled (ibid). He also stated other courts had done the same (ibid). Two days later the same judge, however, refused an application from a lawyer for name suppression for his client and instead asked the media not to publish the name of the offender, which they did not (Drunken offences, 1921). Meanwhile, in Wellington, one month later, in December 1921, Magistrate F. K. Hunt, refused to suppress 22 year-old first offender Bernard Cohen's name after he pleaded guilty to stealing a fur coat (Squaring the press, 1921). Despite an impassioned plea from Cohen's lawyer, Hunt replied: "I don't care" and told the lawyer to go and ask the press himself (ibid, p. 5).

The precedent set by Bartholomew in the concealment of birth case might have indicated to the newspapers involved in the cases subsequent to 1921 in this research project, that the names of those involved in child homicide cases, being indictable offences, were able to be suppressed. Between November, 1921 and January 1930 there were at least 23 cases involving charges of concealment of birth, including the case of Daniel Cooper, examined in articles one and two (a list of concealment of birth cases can be found in Appendix A). Of the 23 cases, the judges suppressed the names of the accused from the first appearance in court in eight cases and made these suppressions permanent in four. In a ninth case, which happened in November 1925, it is not clear from the newspaper reports exactly who suppressed the accused's name as it was merely stated that: "The mother of the child, whose name for *the time being* has been suppressed, was taken to the Taihape Hospital, and her condition is

reported to be satisfactory" (ibid, p. 9, emphasis added). Another newspaper reported that upon her conviction in February 1926, her name was permanently suppressed by the judge (Backblocks slavery, 1926).

This was not the first time that a temporary (or interim) suppression order had been imposed. In January 1922, Judge Wyvern Wilson imposed an interim suppression order for a youth charged with stealing two bicycles (The Courts, 1922). The interim suppression order was made permanent when the youth pleaded guilty later that month (Theft of bicycles, 1922). The ability to impose interim suppression orders was created in common law by judges many years before these orders were concretised in legislation in the 1969 Criminal Justice Amendment Act.

By mid-1925, protest was growing around inconsistent application of name suppression as well as the number of times it was being granted. *Truth* reported that in some cases judges had set precedents outside the scope of the legislation when they had suppressed the names of those who were repeat offenders, had suppressed the names of witnesses and in one case had considered suppressing the entirety of the evidence (Tinkering with the scales of justice, 1925). In October 1925, Archbishop Averill, Primate of New Zealand, voiced his concerns that if the current trend continued "it will simply mean that no body's name will be published at all" (Archbishop supports *"Truth",* 1925, p. 1). The Archbishop went on to say that in some cases he did not consider names should be kept secret, particularly those involving dishonesty, crimes against women and children and drink driving (ibid). The Archbishop also opined that there were inconsistencies among the judiciary in the application of name suppression (ibid).

Some members of the judiciary also appeared to be conflicted over the issue of name suppression. In March 1927, Magistrate E. D. Mosley, in refusing to order the suppression of a man charge with forging a cheque, stated: "I don't like these orders, my feeling is strongly against making them" (Against order for suppression, 1927, p. 8). He went on to say that lawyers almost always applied for their client's names to be suppressed; warned that the practice served to increase crime; and said he would leave the decision about publication of the name to the press. Just 15 months later Mosley appeared to have a change of heart about name suppression when he was reported as stating "the court is the only judge of whether or not the name of an accused person should be suppressed", as no editor or reporter was as

aware of the circumstances of a case as the Magistrate was (Name suppression, 1928, p. 6). Similarly, in January 1929 the new Magistrate in Wellington, Thomas Borthwick McNeil was reported as announcing that did not intend to suppress any names in court cases, barring exceptional circumstances (The passing show, 1929; Worn and tattered cloak of name suppression, 1929). Just eleven days after making this pronouncement, *Truth* accused McNeil of a volte-face and of creating an unfortunate precedent when he invoked a public morality clause in the 1926 Destitute Persons Act to prohibit the publication of the entire report of proceedings and evidence of a case (ibid).

The media's earlier freedom to choose which names it made public and what information was included in stories was being curtailed by not only legislation, but also by the decisions being made by individual judges. These decisions, in turn, could be pointed to by other judges in their subsequent suppression decisions. The apparently inconsistent decisions made by the judiciary in applying name suppression may have overshadowed media practices post 1900, in particular in the naming and framing those accused of crime. The 1920 act had resulted in the media losing its right to decide which first offenders it would name for the public good. The subsequent haphazard and inconsistent decisions by the judiciary to extend name suppression to cases outside of the legislative scope further eroded media freedom and may have left editors and reporters confused about just what they could and could not do.

3.2.2 Media freedom and freedom of expression

New Zealand does not have an explicit statutory right to media freedom; however, Section 14 of the Bill of Rights Act 1990 provides:

> Everyone has the right to freedom of expression, including the freedom to seek, receive and impart information and opinions in any kind in any form.

The right to a free press is not explicitly mentioned in the act, but it is commonly held that this section also protects media freedom (Cheer, 2015). New Zealand has a long-held tradition of media freedom, which is supported by numerous court judgments referencing this principle (ibid). There are, however, numerous rules which limit what can be published, many stemming from legislation such as contempt of court, defamation and privacy laws

(Cheer, 2015). According to Lamer (2019) press freedom is defined in Western nations as a press that is free from government control or interference by such means as censorship, regulation, and intimidation or threats to journalists and other workers in the media. For media freedom to exist the press must be able to freely report on public affairs (Lamer, 2019). McQuail (2000) suggests press freedom gives media the right to publish, within the limits of legal obligations, without censorship or incurring penalties. Freedom of expression, on the other hand, applies to private individuals, as well as those in the broadcast or print media, ensuring their rights to openly express their political views without fear of sanction (Kenny, 2020). Kenny (2020) describes the erosion of press freedom as a variety of steps taken by governments including prosecution and harassment of journalists critical of the government, censorship, illegal closure of media organisations which are non-aligned with the government, and introduction of either state-owned or private pro-government media to the media environment. Pearson (2015) contends that media freedom in Australia has also been eroded by other government actions such as the introduction of anti-terror laws, suppression of national security trials, increased powers of police and security agencies for surveillance, and suppression of names and information ordered by courts. Both freedom of expression and a free press are vital to a healthy society, as freedom of expression provides for societal debate of opposing opinions and the making of decisions about right and wrong and a free press is the basis of a healthy vital citizenry and a free society (Hume, 2012). Hume states that "in a free society only the public can decide what is in its interests – or, which is equally legitimate, simply what interests it. And it can only decide once everything is out there in the public arena" (ibid, p. 177).

3.2.3 Open justice versus media freedom

Balancing the competing interests of open justice and press freedom with an individual's rights to a fair trial is an issue that has been wrestled with in numerous Western nations (see for example in the USA Morrissey, 2003; Lazar, 2012; and in the United Kingdom, Bohlander, 2010). Like the justice systems of most Western nations, New Zealand also operates under a principle of open justice, which gives media the right to attend court and report on most proceedings as representatives of the public (Buckingham, 2011; New Zealand Law Commission, 2008; Patel, 2018). The media's role in reporting criminal court cases is essential to the principle of open justice (New Zealand Law Commission, 2008; Pearson & Graham, 2010). The benefits of the open justice principle and the media's right to

report proceedings are numerous. Many citizens rely on the media to inform them about court cases (Davis, 2001). Court reports allow citizens to scrutinise and form opinions about judicial decisions, thus maintaining public confidence in the courts (Buckingham, 2011; Patel, 2018). Judges, by having their decisions open to public scrutiny, may act more fairly (Davis, 2001). Witnesses may be encouraged to be more truthful in testimony as they are aware it may be subject to public scrutiny (Pearson & Graham, 2010). An open process of imposing penalties on lawbreakers educates the public and acts as a deterrent (Pearson & Graham, 2010). Balanced against the media's rights to report on court proceedings and the principle of open justice are the rights of those accused of crimes to a fair trial and, often, to be judged by a jury of their peers (Turner, 2003). Jurors must base a verdict on the evidence they are presented with in court and must make their decision impartially (Wright & Ross, 1997). According to former chief justice of New South Wales, Australia, James Spigelman QC, among the most important principles in the right to a fair trial are that the court is able to withhold some information from a jury and that juries and judges are not subject to external pressure in their decision-making (Spigelman, 2016). Media coverage of a case before and during a trial may harm an accused's fair trial rights as the information presented as news, according to a significant amount of research, has the capacity to influence jury members (Chesterman, Chan & Hampton, 2001; Dubnoff, 1977; Early, 2011; Fulero, 2002).
As discussed earlier, in New Zealand, press freedom is supported by section 14 of the New Zealand Bill of Rights Act 1990 which enshrines freedom of expression (Pearson, 2012). According to the New Zealand Law Commission (2008), while the right to freedom of expression may be argued to be a justification for open justice, courts have seen the two as distinct: open justice being principally concerned with the need for the justice system to function soundly in the public interest; while freedom of expression is primarily about free flow of information. The divergent interests of media, who want access to information, and the interests of the courts, who want to ensure a fair trial, has the inevitable result of tension (Barrett, 2012).

3.2.4 Pre-trial publicity

In many Western countries restrictions are placed on what information can be published by media before a trial to ensure these rights are preserved (Spigelman, 2016). New Zealand's current suppression laws allow for judges to prevent publication of any names or information which they deem might adversely affect a case prior to it being heard. In addition, contempt

of court laws stipulate that information prejudicial to either the prosecution or defence cases cannot be published prior to the completion of a trial (Contempt of Court Act 2019). Prior to the implementation of this act, many of New Zealand's contempt of court laws were held in common law. In the 60-year-period between 1870 and 1930 the rules about publication of information which could potentially prejudice either the prosecution or defence, were less strict than today. Nevertheless, the concept of *sub judice*, that some matters should not be publicly disclosed or discussed prior to a trial, was understood and (usually) accepted by most historical New Zealand media. For example a report in the *Otago Daily Times* in June 1852, in relation to a murder case the newspaper was covering, outlined why it had felt the need to publish prejudicial information even though it knew it was illegal to do so (Otago Daily Times, 1852). It appears from reading of historical news reports that, while there was acknowledgement from media that prejudicial material should not be published, this was sometimes accompanied, in the same story, by publication of prejudicial material. In November 1864, for example, the *Otago Mail* (*Colonist*, 1864) in commenting on a murder case it was covering wrote:

> Although committed for murder, there seems little probability that the capital charge will be sustained – for it is certain that the prisoner received provocation of the most serious and unbearable kind before he committed the fatal deed. We cannot of course refer to the circumstances at length while the case is *sub judice*; but may say that we have reason to believe, when all the surrounding details are given, that the crime will be lightened at least of much of the culpability that now appears to be attached to it. (ibid, p. 3)

The jury in the case found the accused guilty of manslaughter instead of murder and he was sentenced to three years in prison (Criminal session, 1864). We cannot now know if the *Otago Mail*'s statement did have any influence on the jury's decision to find the accused guilty of the lesser charge of manslaughter, but it had the potential to do so.

3.2.5 Open justice vs name suppression and fair trial rights

Fair trial rights are also enshrined in the Bill of Rights Act which stipulates that everyone has "the right to a fair and public hearing by an independent and impartial court" (New Zealand Bill of Rights Act 1990, s 25(a)). The words "fair" and "public" in this section of the act

aptly illustrate the dichotomy between the concepts of fair trial rights and the public's right to know. Academics, lawmakers and the judiciary have devoted considerable time to debating two broad opposing interests in banning the publication of an accused's name: the principles of open justice versus the rights of individuals (Davis, 2001; Jones, 1995; Patel, 2018; Pearson & Graham, 2010). Naming the accused may encourage participation of further witnesses or victims (Davis, 2001; Pearson & Graham, 2010), be considered part of the punishment for offending, and act as a deterrent against reoffending (Jones, 1995). In 2018, Judge Kevin Glubb, in discussing an application for name suppression, noted:

> In this case, I recognise … that the starting point must always be the importance in a democracy of freedom of speech, open judicial proceedings and the right of the media to report the latter fairly and accurately as surrogates of the public. (Queen v Dylan Marks [2018] NZDC 3733 at [10]).

Publication of an accused's name can, however, be vexed. Publication of an accused's name has the potential to damage their, and others', reputations and/or distress and embarrass them (Pearson & Graham, 2010). Davis (2001) contends that naming an accused prior to conviction removes the presumption of innocence and thus destroys fair trial rights, and Jones (1995) suggests such publication maybe be particularly harsh for those later acquitted, as the stigma of the accusation may remain. Jackson (2005) questions whether the publication of an accused's name is necessarily contingent with the principle of open justice. Jackson contends that justice can be seen to be done without the accused being identified and suggests that publication of the name should be tested by whether there is genuine public interest in doing so or if it is just for the benefit of sating public curiosity (ibid).

In the Netherlands, Germany and Sweden, there are no laws forbidding publication of the names of accused persons; however, journalists choose not to name many accused of serious crimes (Fullerton, 2020). Dutch journalists interviewed by Fullerton (2020) considered three values before making a decision about whether to publicly name an accused person: whether that person has a family and children; the presumption of the innocence before a trial; and the right to return to their communities without stigma once they have completed their sentence. In Sweden and Germany journalists will generally choose to suppress the names of private citizens who commit private crimes, such as domestic violence, but will almost always chose to name public officials who commit public crimes, such as theft of public monies (ibid).

Identification of the accused in crimes which involve private individuals who commit public crimes and those involving public individuals who commit private crimes is more flexible and may differ even among news organisations in the same country (ibid). In these countries, the power to decide whose names are published is effectively left in the hands of the media. While suppression laws equivalent or similar to New Zealand's are present in other countries to varying degrees, New Zealand's is arguably the most restrictive (Lazar, 2012).

Despite the importance placed on open justice in New Zealand, the most recent Justice Ministry figures show that in 2018/19 permanent name suppression was granted to 315 people, of whom 56 percent (n=176) were convicted and 18 percent (n=56) were imprisoned (Ministry of Justice, 2020). Media will never be able to publish the names of those 315 people in relation to the crimes they were accused, or convicted, of, not even after they are dead.

The evolution of suppression laws has shaped the media's decision-making about what information can and cannot be included in crime-related stories and has also restricted how those accused of crimes can be portrayed lest these descriptors lead to identification of those whose names are protected and/or imply guilt or innocence. This study's examination of the 17 cases reported in the era from 1870 to 1930 illuminates how newspapers reported cases of multiple-child murder over a time when the landscape of newswriting began to move away from an earlier framework, unhindered by considerations of court-related suppression orders, in which the media could make public interest decisions about what to publish and what information to withhold.

This research examines the evolving arguments surrounding open justice and media freedom during the development of suppression legislation which is intended to protect a defendant's right to a fair trial. The 17 cases examined in articles one and two were written during a time when legal restraints began changing the media landscape to one in which the right to decide whose names were published was being removed from the media. Article three outlines how this earlier media landscape was re-shaped in gradual steps in the latter part of the research period examined in articles one and two. Research to date on New Zealand's suppression regime has largely been undertaken by academics and practitioners in the legal field and has primarily focused on the impact of publication on an accused person's privacy and right to a

fair trial. The development of suppression laws and their impact on media freedom and the media landscape has remained largely unexplored by academics in the field of journalism.

3.3 Theoretical framework

Crime news values, and crime and homicide framing theory are the primary theoretical frameworks drawn on by this research. The project also draws on the principles of open justice and media freedom.

3.3.1 News values

This research will employ the frameworks around news values theories to examine the application of news values by media in an historical context, thereby questioning whether current theories can usefully be universally applied, or whether (and how) they should be refined or extended for particular contexts. Assessing how news is selected has often been defined by setting 'newsworthiness' criteria or listing 'news values'. The first major academic research into defining how news is selected was completed by Johan Galtung and Mari Ruge in 1965, who identified a set of 12 news values (Galtung & Ruge, 1965). While these 12 news values are still referred to in journalism texts books to this day (see for example, Cole & Harcup, 2010; Fleming, Hemmingway, Moore & Welford, 2006), some academics have sought to define and redefine the 1965 list in order to improve its robustness (see for example Gans, 1979; Harcup & O'Neill, 2001; Rosengren 1974; Sande 1971). While academics have for decades argued the existence of defined news values and tried to codify them, in newsrooms there appear to be few rule books of news values for journalists to adhere to (Galtung & Ruge, 1965; Harcup & O'Neill, 2001; Hetherington, 1985; McGregor, 2002). News values theory provides a useful tool for academics seeking to define media decision-making around which events become news; however, some have argued that it provides only a partial explanation as news values may differ by geographic location or media organisation and may change over time (O'Neill & Harcup, 2020). News values also differ by the type of news being reported.

3.3.2 Crime news values

Attempts to codify the news values of crime are a relatively recent development, with one of the first produced just over 40 years ago (Chibnall, 1977). For the present research, news values theory, specifically the frameworks of news values as they relate to crime news, are

employed to analyse reportage by journalists who can no longer be questioned to provide a rationale for the decisions they made. Analysis of the news values employed by journalists writing about multiple-child murders in New Zealand in the period between 1870-1930 adds to contemporary crime news values theories by examining practice within a geographic location in a period which has not previously been analysed. This research may extend understanding of the evolution of crime news values and whether there are certain historic journalistic practices that may be unique to New Zealand – or, conversely, in common with practice in other Western nations.

To date, the subject of news values of crime in New Zealand journalism has received little academic attention. One exception is research by McGregor (1993) which examined coverage of crime news reporting for a month in five New Zealand newspapers in 1992. McGregor (1993) identified that in line with Galtung and Ruge's 1965 list of news values, four news values pertinent to crime news were important in New Zealand media's selection of crime news: bad news violence, extraordinariness, status and personalisation, and dramatic tension. The topic of crime news values has been researched in more depth in the cases of the United States and the United Kingdom, where crime, and more specifically murder, is more frequent (Gekoski, Gray & Adler, 2012; Greer, 2017; Lundman, 2003; Pritchard & Hughes, 1997). Some researchers have adapted Galtung and Ruge's 1965 news values list to incorporate values specific to crime news in order to better explain media decision-making (Jewkes, 2011; Clifford & White, 2017). Crime news values lists are not only useful for understanding contemporary media decision-making, but in a broader sense are also a valuable tool for measuring societal problems and the importance placed on these. Examining crime news values lists in the context of historical New Zealand journalism will extend understanding of the nuances and potential fluidity of crime news values and how they are shaped by particular media and cultural contexts. News values reflect what events are deemed newsworthy and may also reflect trends in criminal offending. According to Reiner, Livingstone and Allen (2003), deviance is the primary news value in crime news, thus, if a new type of crime appears, for example, a new method of obtaining and using credit card information to commit fraud, this crime will likely be considered highly newsworthy. Conversely, a waning in media interest in reporting of a particular type of crime may indicate that the incidence of that crime has become so frequent an occurrence that it is no longer worthy reporting. Crime news values lists have progressed understanding of trends in journalistic practices and in societal problems over time. News values do, however, evolve as

societies grow and change. A crime news value list developed in a US context in the early 21st Century may not be fully adequate to explain colonial crime reporting in New Zealand, suggesting the need for a more nuanced approach. For illustration, Clifford and White's 2017 12-point crime news values list (adapted from a taxonomy developed by Jewkes, 2011) provides a recent example of a modern news values list.

Table 1: Clifford and White's 2017 12-point crime news values

Threshold	Scale of the crime
Novelty	Extraordinary or unexpected crime
Predictability	Can be planned for; court, coronial hearings, crime stats
Proximity	Geographical or cultural proximity of crime
Simplification	Evil act on innocent victim
Individualism	Focus on human interest and individuals
Risk	Vulnerability (it could be me)
Sex	Crimes of a sexual nature
Violence/ conflict	Violation of a person/ conflict between people
Children	Child victims or perpetrators
Celebrity or high-status individuals	High-profile offenders or victims
Visual spectacle or graphic imagery	Good images available

Source: *Media and crime: Content, context and consequence*. South Melbourne, Australia: Oxford University Press.

Murder, arguably one of the most violent of all crimes committed, will almost certainly top the list of newsworthy crime stories in most newsrooms (Gekoski, et. al., 2012; Pritchard & Hughes, 1997). Gruenewald, Pizarro and Chermak (2009) state that violent crimes such as murders are given much greater news coverage than other crimes. However, in some countries not all murders are reported by the media, and even if they are, few are chosen to become a major story (Gekoski, et. al., 2012; Lundman, 2003; Peelo, Francis, Soothill, Pearson & Ackerley, 2004; Pritchard & Hughes, 1997). Academic attempts to evaluate media decision-making around which homicide cases are selected for coverage has resulted in conflicting findings. There remains disagreement over whether the most salient factor in determining story selection is the novelty of the crime, or the victim and/or perpetrator characteristics (Buckler & Travis, 2005; Gruenewald et al., 2009; Lundman 2003). Some research has found that homicides involving children or elderly persons (Greer, 2017; Pritchard & Hughes, 1997; Sorenson, Manz & Berk, 1998), and murders involving multiple

victims (Gruenewald, et. al, 2009) are likely to be given greater and more prominent coverage than other homicides. Murders involving an 'ideal' victim, one who holds certain newsworthy attributes making them more appealing to the audience, are more likely to be covered by media and are consistently more likely to be given greater prominence (Gekoski et al., 2012; Greer, 2017; Gruenewald et al., 2009). These ideal victims included children, women (particularly those who are attractive, young, middle class and white), or celebrities (Gekoski et al., 2012).

All of these studies offer applications of theories of news values to help explain why a particular homicide might or might not be perceived as newsworthy in a contemporary media environment. While earlier research has sought to define news values as they relate to homicide, this research extends that analysis to examine the differences in coverage of a condensed group of murders, which, research into news values suggests, should be one of the classes of homicides to receive the greatest and most prominent coverage – multiple-child murders. The present research into news coverage of multiple-child murders encompasses a timeframe of 60 years and explores if and how news values of homicides evolved in this period in colonial New Zealand reporting. To date, little research has been devoted to exploring whether the news values identified in reporting in other countries also apply in historical murder coverage in New Zealand - a country far removed in geographical distance and with a much shorter and arguably unique history of news reporting. This research helps to address this gap.

3.3.3 Framing theory

Framing theory suggests a way of explaining how media practitioners select information to include in news stories and how this information is portrayed, resulting in frames that help audiences to make sense of sometimes complex information (Entman, 1993). Framing theory has origins in both sociological and psychological scholarly realms (Holt & Major, 2010; Iyengar & Simon, 1993). The broader framing theory, from which the theory of framing of crime and homicide has evolved, encompasses *how* a story is portrayed by the media (Scheufele & Tewkesbury, 2007). Media will construct frames for issues and events when creating news stories, even if these frames are unintended (Holt & Major, 2010). A media frame may emphasise the significance of certain issues, and thus persuade audiences to think, act or feel a certain way (Entman, 2007). Writing in 1993, Entman, who sought to define

framing theory in communication as an academic field, proposed that the selection of certain aspects of a perceived reality made them more salient for audiences. Entman (1993) defined the role of frames as to define problems; diagnose the causes; make moral judgements; and suggest remedies. He proposed in the communication process four locations for frames: the communicator; the text; the audience; and the culture (ibid). While journalists may believe they are adhering to the concept of balanced and unbiased reporting, Entman argues that framing of news stories "prevents most audience members from making a balanced assessment of a situation" (ibid, p56).

Other academics have extended framing theory. Scheufele and Tewksbury (2007) argue that framing is a construct at both the macro and micro level. At the macro level, media use existing constructs that resonate with existing schemas to help the audience understand complex issues, and at the micro level framing describes how the information is used to form impressions (Scheufele & Tewksbury, 2007). Scheufele (1999) described framing as being either 'media frames', or the presentation of information, and 'individual frames', or the comprehension of the information by individual audience members. Iyengar and Simon (1993) divide media frames into two discrete categories: episodic and thematic. Episodic frames depict issues as single or specific events, for example a murder, a bombing or a homeless person, whereas thematic frames discuss issues in a broader context, such as criminal justice policy, response to terrorist threat or impacts of welfare cuts (Iyengar & Simon, 1993). According to de Vreese (2005) the process of framing involves four stages: frame building; frame setting; individual consequences of framing; and societal consequences of framing. This structure has similarities to the four locations which Entman (1993) identified as framing locations – the communicator, the text, the audience and the culture. Frame building describes the factors which influence how the frames emerge (de Vreese, 2005). These influences include individual journalists' perspectives and practices and the news organisation's policies and processes as well as external factors (ibid). Frame setting describes how the media frames are understood by the audience (ibid). Individual audience members as well as society as a whole may be conceived as being affected by the consequences of framing (ibid). Scheufele and Tewksbury (2007) contend that frames are not intentional. While frames may include some degree of intent on the part of the journalist, they are also influenced by other factors such as unconscious motives, journalistic norms, editorial pressures and the news organisation's deadlines (Holt & Major, 2010). Analysis of the news frames constructed by media can help identify which important information was included (or

excluded) to create meaningfulness for audiences and potentially influence public debate and decision-making (Baden, 2020).

Research into media framing has consistently found audience understanding is profoundly influenced by the way an issue is framed (Holt & Major, 2010). For example, Iyengar and Simon (1993) found the likelihood of audiences to favour military involvement in the 1990-91 Gulf War was increased if they watched news which framed the situation as a military problem instead of as a diplomatic issue. To help explain a story to their audience, journalists may draw on cultural and cognitive constructs (Barnett, 2016; Goffman, 1974) which may include the selection of previously established narratives to create frames that audiences may find familiar (Morrissey, 2003).

While framing theory aids academic understanding of how media practitioners seek to explain sometimes complex information for their audiences, it may however, be imprecise as frames may overlap, meaning more than one broader explanation is offered for the offending (Garcia & Arkerson, 2018). Frames may also change over time as societal norms and cultural ideologies change (ibid). Evolution of frames over time may pose problems for contemporary understanding of historic events, as the broader societal context at any given point in history may no longer be relevant or even readily understandable to modern audiences.

3.3.4 Framing crime and homicide

Journalists may construct frames in crime news by selecting certain language, for example describing a murder accused by using words that may subtly indicate guilt or innocence or an explanation for the motive of the crime (Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013). Frames in crime news may be created by drawing on previously established narratives, particularly where the narrative of an earlier crime may be closely aligned with a later one. Frames in crime news allow audiences to absorb and understand events and categorise them alongside other similar offending (Garcia & Arkerson, 2018). Employment of earlier narratives in crime news may be problematic as media may omit subtle differences in reporting a new crime to ensure a story will better fit the established narrative, meaning audience members' understanding is formed without them having all the details. These narrative frames may be drawn from earlier similar crimes or from other well-known stories such as fairy tales, from which a character therein may be

chosen as a suitable character on which to create a frame for an accused (for example, an evil stepmother or a rapacious wolf-like character). Research indicates that once a frame has been constructed there may be reluctance from media to include alternative narratives which change the frame even if further facts emerge (Easteal et al., 2015). This reluctance may be because constructing the original frame involved considerable work (Ericson, Baranek and Chan, 1987; Morrissey, 2003). As in general news, in crime news, media framing creates belief in "certain realities" for audiences (Hanusch, 2010, p. 7) and can lead audiences to overestimate crime risk (Ducat, Thomas & Blood, 2009).

3.3.5 Mad, bad and sad framing

In reporting homicide cases three broad frames, 'mad', 'bad' and 'sad', are often created by media (Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013). The 'mad', 'bad' and 'sad' frames may be constructed for the perpetrator, the victim or the crime.

Earlier research has suggested that within the broader justice system people are treated differently depending on their gender and offenders of different genders often have different outcomes at trial (Frazier, Bock & Henretta, 1983; Weist & Duffy, 2013). This gender-based differential treatment has also been observed in media framing of filicidal parents (Websdale & Alvarez, 1998; Weist & Duffy, 2013).

The majority of research to date on media framing of murderers examines killings committed by women. Research suggests that in reporting of women who kill, media may create frames that masculinise the women, and portray them as bad, evil and/or sexually deviant (Collins, 2016; Easteal et al., 2015; Storrs, 2004). Jewkes (2015) states that most female murderers are portrayed as inhuman and evil monsters. If, however, their victims are their abusive spouse or young child they may be represented as non-agents, not responsible for their actions, as they are, in the case of spousal abuse, acting in self-defense, or, in the case of infanticide, a combination of 'mad' and 'sad' (Jewkes, 2015). According to Barnett (2016), media representations of mothers are still embedded in Victorian ideals of motherhood. Good mothers are loving, maternal, and caring and when mothers contravene these stereotypes by committing crimes they are depicted as unusual (Barnett, 2016; Weare, 2013), deviant or bad (Easteal et al., 2015). Some mothers who kill are reportedly 'bad' because they have

previously contravened societal expectations by, for example, abusing a child, drinking alcohol to excess (Wilczynski, 1997), or being sexually deviant (Weare, 2013), and may be portrayed as being victims of circumstance or suffering from a medical or mental health condition (Barnett, 2005; Easteal et al., 2015; Wilczynski, 1997). Mothers portrayed as 'mad' may in some cases also be depicted as being a good mother with their crimes being considered uncontrollable and irrational (Meyer et al., 2001). While mother killers depicted as 'bad' are seen as being worthy of punishment, those whose crimes have causal links to mental health problems (mad) or victimisation (sad) are deemed more sympathetic, with coverage suggesting lesser or no punishment deserved (Easteal et al., 2015).

Little academic research has been devoted to news media portrayals of fathers who kill their children despite about half of filicides being committed by men (Barnett, 2005; Jewkes, 2015; Weist & Duffy, 2013). Two studies (Jewkes, 2015; Niblock, 2018) found in British news reporting, that while mothers were often framed as evil, fathers were not. Violent behavior by men, even when extreme, is not unexpected and sometimes even glorified, thus, when a man commits a serious crime his actions are normalised more than if a woman commits the same offence (Jewkes, 2015; Wilczynski, 1997). Even when men become fathers it is anticipated and accepted that they continue to exhibit traditional masculine behaviours, showing their love through being a provider and protector rather than through compassion, nurturing and love (Weist & Duffy, 2013). Men who kill their children are frequently portrayed by media as 'heroic' and 'caring' and their crimes portrayed as isolated incidents resulting from extreme stress such as financial problems or marital break-up (Jewkes, 2015; Niblock, 2018). Men are infrequently described as bad fathers even when they kill their entire families (Jewkes, 2015). Wider research into homicide/suicide cases, by Websdale and Alvarez (1998), found that even when there was a history of domestic abuse by men who killed their partners, media rarely mentioned this.

Another group of child-killers examined in the present research are baby farmers. 'Baby farming' has broad definitions, ranging from paid temporary care of another person's child through to the murder of unwanted infants for profit. The terms 'baby farmer' and 'baby farming' were coined by the *British Medical Journal* in 1867 and, while taking in unwanted children was not then illegal, the description was pejorative (Hinks, 2014). Nineteenth-century British media adopted the 'baby farmer' frame to describe those accused of

murdering children for profit and from the late 1860s began to construct frames for baby farmers using ‘mad’, ‘bad’ or ‘victim’ (sad) categories (Stuart-Bennett, 2019; Weare, 2013).

Research to date into the media’s construction of ‘mad’, ‘bad’ and ‘sad’ frames for those accused of a homicide has predominantly examined modern news reports. Thus far, no academic examination has been conducted on ‘mad, ‘bad’ and ‘sad’ frames in murder cases in New Zealand news reporting.

Framing theory, specifically in relation to crime and homicide, is employed in this research to aid analysis of narrative themes and to identify trends in newspaper reports of multiple-child murders in New Zealand between 1870 and 1930. Employing the frameworks of framing theory may identify trends in the narratives used by New Zealand journalists during this 60-year period. In New Zealand, the selection and framing of crime news may, from a certain period, also be affected by strict court-ordered or legislated suppression orders, restricting what information can and cannot be published. The dynamism of media framing leads to the question of whether ‘contemporary’ frames are evident in historical media accounts of multiple-child murder, and if they are not – or if they appear differently – how that suggests we need to extend our understanding of how framing has operated historically. For example, trends in framing of a mother who killed her illegitimate child may evolve over time, from presenting a woman worthy of sympathy and understanding for ridding herself of a burden she was unable to cope with due to her unfortunate circumstances, to presenting a harpy seen as being more evil or heartless, in line with strengthening societal views on the need to protect and nurture children.

4 Methodology

This research involved a literature review, two empirical studies, an analysis of historical newspaper reports of multiple-child murder and reports relating to name suppression legislation in New Zealand. In addition, New Zealand legislation, both historic and current, and published reports of New Zealand Parliamentary Debates (*Hansard* transcripts) were also examined. Quantitative and qualitative content analysis were employed in the two empirical studies to explore media reporting of historical multiple-child homicide cases in New Zealand. According to Croucher and Cronn-Mills (2015) in both quantitative and qualitative content analysis a systematic approach, using defined steps, is used to sort data. The approaches in the two empirical studies were informed by earlier international research projects in similar disciplines. Due to the historical nature of the news reporting, content analysis was the most practical way to examine what information was published in newspapers and how this information was framed. Similarly, the most logical way to locate information from which to examine the progression of suppression legislation was to use three digitised searchable databases, *Papers Past,* the New Zealand Parliament's historical Parliamentary Debates *Hansard* and the *New Zealand Legal Information Institute Database (NZLII)* in addition to microfilmed copies of newspapers held by the National Library and online news databases, *Newztext*, *Stuff* and *NZME.*

4.1 Historical research and hermeneutic theory

As Dhuwaib (2013) states, while we cannot understand and examine historical events directly as they happened in the past, we can obtain historical evidence from sources such as texts, correspondence and reference books. Hermeneutics, the study of interpretation (Forster & Gjesdal, 2018), has a fundamental role to play in examining historical news reporting and the history of New Zealand's suppression legislation. An historiographical study of news texts and other historical documents involves not only reading this material but also understanding that the facts therein are subject to interpretation and that over time interpretation itself may change (Salevouris & Furay, 2015). There are a number of considerations in interpreting historical texts related to the recording of the events and to the modern interpretation of them. Firstly, as Hall (2012) states, events may be constructed by those involved or witnesses at the time with a view to how they will later be understood. In addition, construction of events may vary depending on the points of view of participants or witnesses, subsequent events and the

passage of time (ibid). A modern researcher seeking to correctly interpret the events through reading records may be hindered as texts can be ambiguous and read in multiple ways (Iggers, 2005). Semantic change (or semantic drift) may also affect researchers' ability to locate and interpret historic texts. Language, both written and spoken, evolves constantly (Englhardt, Willkomm, Schaler & Bohm, 2020). New words and phrases are introduced to the language to explain new concepts or developments and other words may change meaning: for example, the word awful was historically used to describe something which inspired awe, instead of describing something bad. Awareness of semantic change is important for historical researchers who seek to interpret and gain meaning from textual material. According to Englhardt, Willkomm, Schaller and Bohm (2020), awareness of semantic change is particularly important for researchers who are using digital libraries to gather content for research to ensure that the correct texts are located for analysis.

4.2 Quantitative content analysis

Quantitative content analysis methodology is useful for empirically identifying aspects of communication content, and is widely used in textual analysis to determine proportions of text devoted to identified topics (Drisko & Mashi, 2015). The data examined in quantitative content analysis is considered to be straightforward and analysis is claimed to be objective and unshaped by the researchers' cultural and personal histories or social context (ibid). Quantitative content analysis is completed by systematic categorisation of textual material with assigned numeric values so it can be analysed (Frey, Botan & Kreps, 2000). In quantitative content analysis the coding frame is more rigid than in qualitative content analysis, with the research being concept driven, and the analysis being rigorously statistically driven (Croucher & Cronn-Mills, 2015).

4.3 Qualitative content analysis

Qualitative content analysis is useful when researchers want to examine the meanings of messages (Frey, Botan & Kreps, 2000). Qualitative content analysis focusses on interpreting meaning from textual content and measuring this meaning alongside the research objectives of the study (Frey, Botan & Kreps, 2000). Due to the nature of the data in qualitative content analysis the coding frame is more flexible than in quantitative content analysis and may change as new data is evaluated during the process of analysis (Croucher & Cronn-Mills,

2015). There are three approaches to qualitative content analysis: conventional, which is most useful when existing theories do not effectively explain the communication; directive, which uses existing theory and research to guide the research and the coding frame but in which this existing theory and research may be insufficient to fully understand the data; or summative, in which specific words or phrases are identified and recorded then are analysed and interpreted for underlying meaning (ibid). Summative qualitative content analysis provides greater understanding of how words and phrases are used, but is limited by the researchers' ability to make connections, place context and interpret the content (ibid). The ability to interpret words and phrases and place them in context is particularly pertinent in examining historical content, when the meaning of words and phrases may have shifted over time (Iggers, 2005).

An important methodological precedent for the qualitative approach adopted by this study has been provided by Wardle (2007), who examined framing and language used in media reports of murder cases involving children in the US and UK in the 1930s, 1960s and 1990s. News coverage of two child murder cases in each decade, from the US and the UK, was analysed. Wardle (2007) designed and conducted a study to compare reportage of 12 child murder cases; six in Britain and six in the United States with two cases analysed from each country in the 1930s, 1960s and 1990s. In the first phase of her research, Wardle (2007) undertook quantitative narrative analysis of 1110 news stories of 12 cases to identify narrative frames, which she found were predominantly located in the headlines and the lead paragraph. Three major themes were identified – personal (victims and their families), institutional (police investigation and trial) and societal (response of community and impact on society). The cases were then analysed using qualitative discourse analysis to identify narrative themes which were then compared by newspaper and also by decade. Qualitative discourse analysis is useful in identifying and analysing underlying meaning in written texts (Olbertz-Siitonen, 2015). According to Anataki 2008 (cited in Olbertz-Siitonen, 2015) discourse analysis features four key areas: natural texts or talk; the wider context and co-text embedded in the words; non-literal meanings of words; and the wider social actions created by language use. Wardle (2007) found that the later coverage in the 1990s had become much more dramatic and sensational, reflective of a growing fear of crime and desire for stronger legislation. Wardle's (2007) methodology also provided a useful framework to compare the identified frames and reporting over time.

Similar research by Green (2008) compared coverage of two child-on-child homicide cases, one in the UK in 1993 and the other in Norway in 1994. Green (2008) examined media reports of each crime for a 12 month-period beginning from the day of the crimes, in two Norwegian and two English newspapers, and using qualitative analysis examined each story for diagnostic and prognostic frames and themes to determine how blame for the crime was attributed.

The first two studies in this thesis combined and adapted the approaches of Wardle (2007) and Green (2008) in examining longer term news reporting of cases of murder. In combination, Wardle's and Green's methodologies provided a useful means of analysing the media reports, provided a robust methodological framework within which the data could be examined and enabled an accurate and thorough representation of the analysis and findings.

4.4 Scope of the research and data identification

The 20 cases examined in this research for articles one and two represent all of the multiple child homicides in New Zealand reported by media during the period 1870 to 1930. The broad 60-year timeframe was chosen in light of research by Wardle (2007) into framing of UK and US child murders, which noted a shift in media framing over a 70-year time-period in those countries. A starting point of 1870 was chosen for this research as prior to this date many of the court records were destroyed, making it impossible to confirm details in news reports which might have been erroneous. The end point of 1930 was chosen because the source material available in the database was robust up till that time. This 60-year period was also important as in 1905 New Zealand's first suppression legislation was introduced in the criminal courts, which allowed for the judiciary to prevent the media from publishing the names of some accused of crimes and other details in some cases. This timeframe allowed for examination of newspaper coverage of multiple-child murders beginning when the media had no legal restrictions on what they chose to include in news stories through the time of discussion and introduction of suppression laws. The particular six decade timeframe was also significant as a transition in crime news reporting styles from emotionally descriptive and sentimental to a harder, more objective style has been observed in reporting in the United Kingdom and USA during this period (Stabile, 2006). This research will help to establish whether news reporting styles and practices changed during this period in New Zealand reporting of multiple-child murders, and - if they did - whether they did so along the lines

that have been observed in news reporting in other national contexts. Views on childhood in Western societies were also evolving in the 60 years between 1870 and 1930. In the Victorian era, children were often viewed as personal property and as assets that could contribute financially to the family through work in factories; however, a concept of childhood emerged in the late nineteenth century that influenced a shift in perceptions of children to them being dependants requiring care, nurturing and education (Hendrick, 1994: Zelizer, 1985). This research examines news reporting in New Zealand during and beyond the Victorian era and will provide greater understanding of whether trends in newswriting observed in Britain during this time (Matheson, 2000) are also evident in one of her colonies.

The sample for analysis was deliberately narrowly defined to news reporting of multiple-child homicides in which murder charges were laid. Plentiful research has identified that murders involving child victims and killings involving multiple victims both hold high news values (Chermak, 1995; Greer, 2017; Gruenewald et al., 2009; Pritchard & Hughes, 1997; Sorenson et al., 1998). Therefore, murders involving multiple-child victims would be expected to be especially newsworthy and provide a robust and practicable sample for analysis .

Digitised searchable newspaper collections are an important source for analysing and detecting trends that might otherwise have gone unnoticed in large amounts of news stories over lengthy periods (Wijfjes, 2017; Flaounas, Ali, Landsall-Welfare, De Bie, Mosdell, Lewis & Cristianini, 2012; Landsall-Welfare, Sudhahar, Thompson, Lewis & Cristianini, 2017). In this research, historical news reports of multiple-child killings were sourced from digitised newspapers held in the New Zealand National Library's searchable online newspaper database *Papers Past.* This resource contains more than 75 million news articles from more than 138 New Zealand newspapers published between 1839 and 1950. In order to identify relevant stories, the online search tool was used to search the period from January 1, 1870 to December 31, 1929 for combinations of the keywords 'murder', 'sensation', 'death' or 'tragedy' with the words 'child', 'children', 'baby' or 'babies'. A pre-reading of a sample of the dataset helped to identify keywords which were commonly used by media during the era of the study when reporting multiple-child murder cases. A total of 20 multiple-child murder cases were identified.

The 20 identified cases were examined and the date, name of the alleged offender, their age, gender, occupation, location of the crime, the names, ages and genders of the victims, the method of killing, the verdict of the coronial inquest, the charge, plea, verdict, sentence and a brief description of the case, were recorded on a Microsoft Excel spreadsheet. It was originally intended that the race of the alleged offenders and the victims would also be recorded in order to analyse if there were differences in naming and framing based on this factor; however, in few cases was race definitely identified. Of the 20 cases, three; those of Louisa Miriam Plumridge in 1884, James Reid Baxter in 1908, and David Jeffrey in 1916, were excluded as the alleged perpetrators of the murders had committed suicide and thus no murder charges were laid.

The remaining 17 cases, in all of which murder charges were laid, were selected for further analysis. The 17 cases, which included both familial and non-familial killings, resulted in several different outcomes: the charges being dropped prior to a trial, due either to the insanity of the killer or to lack of evidence; a not guilty verdict; a guilty verdict and a sentence of imprisonment; or a guilty verdict followed by the execution of the killer.

Significant considerations included the need to reduce the number of stories for examination to a manageable size and to eliminate replication of data through the inclusion of multiple copies of the same stories published in different newspapers. Thus the primary source data was limited to original news reports in two newspapers: one a local newspaper near to the location of the crime, and the other a larger metropolitan newspaper. The selection of two newspapers for examination in each case was informed by Green's (2008) methodology which was adapted for this research with regard to the content analysis of coverage in two newspapers. Green (2008) elected to examine a quality daily newspaper and a tabloid-style daily for stories related to two child-on-child homicide cases and then conducted a content analysis to record the number of articles in each newspaper about the selected homicides. Galtung and Ruge (1965) identified proximity of an event as a news value, and the geographically nearest newspapers might be expected to produce greater news coverage of a homicide case (Gilchrist, 2010). The two newspapers selected for each of the 17 cases were searched using the *Papers Past* database for mentions of the identified case through a period of 10 years from the date of the murder. The 10-year period was chosen to ensure the inclusion in the analysis of stories about the crime that may have been published on anniversaries of the event, or mentions in other stories about later crimes of a similar nature.

It was originally intended to include at least one Māori lauguage newspaper in the selection; however, the te reo (Māori language) newspapers of the time did not meet the criteria of being published for at least 10 years after the crime in addition to publishing news stories about the crimes. Analysis of news media coverage only in English-language newspapers necessarily reflects a limitation to those dominant cultural viewpoints that have overwhelmingly shaped our understanding of media history in New Zealand. Including Māori language texts in the analysis would have contributed to enabling elided perspectives to re-emerge into that narrative but unfortunately the unavailability of suitable Māori language newspapers on the *Papers Past* database did not allow that.

The surname and first name of the accused murderers and their alleged victims were searched separately in each of the two selected newspapers to ensure all stories about the crime were captured. In addition, the name of the town or city in which the crime occurred was searched alongside key words such as 'killing', 'murder', 'tragedy' and 'sensation' in order to capture stories about the case in which neither victim nor killer was named. In eight cases, no newspaper local to the crime location was available on the *Papers Past* database, so competing major publications from the nearest city were used. A total of 872 news stories about the 17 cases were identified in the newspapers.

For article three, a period from January 1, 1900 to March 31, 2020 was set as the parameter for data collection. The first suppression legislation was enacted in 1905, so the beginning point of 1900 was selected to account for any public discussion in newspapers or parliamentary discussion by lawmakers in the five years prior to enactment. Unfortunately, as the progression of this legislation had not been well documented there was no single database or resource which could provide the required information. Three digitised searchable databases, *Papers Past,* the New Zealand Parliament's historical Parliamentary Debates *Hansard* and the *New Zealand Legal Information Institute Database (NZLII)* were selected for examination. As *Papers Past's* collection ceases at 1950, microfilmed copies of newspapers held by the New Zealand National Library and online news databases, *Newztext*, *Stuff* and *NZME* were also selected. As discussed earlier, *Papers Past* holds digitised newspapers from the period from 1839 to 1950. New Zealand Parliament's *Hansard* holds official transcripts of speeches made in the Legislative Council and the House of Representatives from July 9, 1867 to the present day (*Hansard*, 2020). *Hansard* may be

searched using keywords, or can be browsed by date. *NZLII* is a searchable collection of 201 New Zealand law databases, including both current and historical bills and acts as well as legal decisions, law journals and law reform information (*NZLII*, 2020). The National Library holds microfilmed copies of New Zealand newspapers from 1839. Importantly this collection contains newspapers post the end of *Papers Past's* 1950 timeframe, but unfortunately cannot be searched for keywords or phrases and must be browsed by edition. Microfilmed copies of the *Evening Post* and *Dominion* newspapers were selected for examination as these newspapers had political reporters based at Parliament. *Newztext*'s collection includes newspapers published from 1980 and the *Stuff* and *NZME* collections begin around 2000; these three databases are searchable by keyword.

An initial search of *Papers Past* was conducted using the key phrases of "prohibit publication", "suppression" and "name suppression", to identify news stories and editorial commentary in which these concepts were discussed in newspapers between 1900 and 1950 and to identify the names of the relevant bills or acts. According to Nicholson (2016), researchers should identify and test preliminary keywords to help find other keywords. In this research a second search was then conducted on *Papers Past* using combinations of the words in the names of each of the bills and acts to uncover further relevant news stories and editorial commentary. The stories and editorials were copied and grouped by the relevant bill or act. A timeline of milestones in suppression legislation was created and the names of the relevant bills and acts were recorded. These bills and acts were then sourced on the *NZLII* database. A search of *Hansard* using the same key phrases of "prohibit publication", "suppression" and "name suppression" was then conducted to identify when these concepts had been discussed in Parliament. The parts of the speeches relevant to this research were then transcribed, recorded on Microsoft Word documents and listed in date order according to the bill under consideration. This *Hansard* search also helped to identify the relevant dates at which suppression legislation had been discussed post 1950, to enable more accurate searches to be conducted on the microfilmed copies of the *Evening Post* and the *Dominion* newspapers held at the National Library. The newspapers were searched on the date the *Hansard* speech was recorded as happening and the day either side. The *Newztext, Stuff* and *NZME* databases were also searched using the key phrases to identify more recent stories and editorial commentary. All of the news stories and editorials were copied and grouped with the relevant bills for easier analysis. The *Hansard, Evening Post, Dominion, Newztext, Stuff* and *NZME* searches also identified the relevant bills and acts which had not been discovered by

the earlier *Papers Past* searches. The relevant bills and acts from 1905 to 2019 were grouped in date order, along with the news stories and *Hansard* transcripts which related to each one.

4.5 Coding

For article one, quantitative content analysis of the use of the names of killers and victims in news stories was undertaken: coding was a simple yes (1) when the accused was named in a news story and no (0) if they were not. Similarly a yes (1) was recorded if at least one of the victims was named and no (0) if none were named.

For article two, which employed a qualitative content analysis, the coding frame was based on the broad themes of 'mad', 'bad' and 'sad'. This theoretical coding (Croucher & Cronn-Mills, 2015) was based on earlier research which had identified these themes in reporting of murders (see for example Easteal et al., 2015). For each of the broad themes of 'mad', 'bad' and 'sad', a coding sheet was developed containing synonyms for each of the themes, as well as phrases which imply each of these classifications (the coding sheets can be found in Appendix B). The synonyms for the coding sheets were identified from a number of sources, including in earlier research (for example, Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013), pre-reading of a sample dataset, and from historical dictionaries (March, 1958; Webster, 1828; Webster, 1900; Webster, 1907; Whitney, 1903). Historical dictionaries were considered an important resource to identify the definitions of the words as they would have been understood by the newspaper readers of the era under examination. The frames were coded as 'mad'- 1, 'bad' - 2, 'sad' - 3. An additional code of '4' was allocated for labels and descriptors which did not easily fall into the broad categories of 'mad', 'bad' or 'sad'.

For article three no specific coding sheet was employed; however, the key concepts of impact on media, response from media, press freedom, open justice and fair trial rights were identified as being of primary relevance in the subsequent analysis of suppression of names and evidence.

4.6 Data collection

For article one, which focusses explicitly on naming practices in media coverage, a quantitative content analysis of textual material was conducted on the 862 published news stories in the 16 cases in which the killer and victims' names were known. (One of the 17 cases had to be excluded as the victims were newborns and were unnamed before they were killed.) Each of the stories was examined line-by-line for mentions of the killer's name, either first name, last name or both, and for mentions of at least one of the victims' names, either first last or both. The data from all of the stories was recorded on a Microsoft Excel spreadsheet and grouped by publication. To ensure reliability of the data, this process was completed twice and the results of each compared. The data from each of the stories was recorded in order of date of publication. In the event that further analysis of the names was required, the researcher also transcribed the actual presentation of the names in each story, for example if the article recorded the full name (both first and last), the last name with an honorific (Mr., Mrs. or Miss), or just the first or last name.

For article two, a qualitative content analysis was conducted on the 872 published news stories in 17 cases to identify descriptors, labels and phrases used by the media to construct frames for the accused killers, their crimes and the victims. The qualitative content analysis was also informed by recognition of the wider context of the words, historical meanings and connotations of words, and the non-literal meanings of words. In British newspapers of the Victorian era, court proceedings were regularly reported as verbatim transcripts of the hearings (Matheson, 2000). Journalists, however, would usually also include one or two paragraphs summarising the case and providing a description of the accused, their clothing and demeanour. These summaries and descriptive words, labels and phrases represent the deliberate selection of the journalist, and thus were chosen as the subject of analysis. Narrative frames, broadly adapted from quantitative narrative analysis, were also used as an analytical tool, to aid categorisation of the accused murderer and their actions under the broad frames of 'bad', 'mad' and 'sad'. The researcher also remained watchful for descriptors which did not easily fall into any of the three broad categories.

The words and phrases used in each of the stories were recorded on a Microsoft Excel spreadsheet and colour-coded for easier identification. Each story was recorded in date order and the data was grouped by publication. To ensure reliability of the data, this process was completed twice and any conflicting classifications of descriptors were discussed with the supervisory panel to ensure correctness of the data. Conflicting classifications occurred

infrequently, with the most often encountered being the descriptor ‘unfortunate’. A particularly historically freighted term, it was determined that this word should be considered in context with other descriptors as on its own its meaning was ambiguous.

For article three, the news stories, editorial commentaries and *Hansard* transcripts for each of the grouped acts and bills were read line by line, and discussions around media’s responses to the proposed changes, the impact on media, press freedom, open justice and fair trial rights were recorded, as were other statements or concepts that were relevant to a particular bill or act, or judicial decision.

4.7 Analysis

For article one, mentions of the name of the killers and the victims were tallied for each publication and recorded against the total number of stories published by each publication. The total results were analysed to examine differences in naming patterns by publication and differences in naming patterns at specific points in the chronological progression of the cases. To derive and analyse emergent trends, the results were then classified under the categories of parents as killer, mother as killer, father as killer, non-familial killers, killers acquainted with the victims, baby-farmers, method of killing, number of victims and decade of crime. The results of each of these categories were then compared to identify if any trends emerged in the naming patterns of the accused killers and/or the victims.

For article two, instances of labels, descriptors and phrases synonymous with each of the three themes of ‘mad’, ‘bad’ and ‘sad’ were tallied for each publication and recorded. These were grouped by publication and compared. The results were also tallied as a total for both publications.
The results were also compared under the same categories as for article one: parents as killer, mother as killer, father as killer, non-familial killers, killers acquainted with the victims, baby-farmers, method of killing, number of victims and decade of crime. The results of each of these categories were then compared to identify if any trends emerged in the ‘mad’, bad’ and ‘sad’ framing patterns for the accused killers. Using Wardle’s (2007) methodology the frames were then analysed for changes in employment of ‘mad’, ‘bad’ and ‘sad’ frames over the length of the 60-year timeframe.

For article three, the identified parts of the text from the newspaper stories, editorial commentaries and *Hansard* transcripts were evaluated and common themes in the discussions surrounding each of the pieces of legislation were identified. Then the entire corpus was examined to determine if these themes were evident in the discussions around more than one (or all) new legislative changes.

5 The Articles

5.1 Article one summary

Memorialising the murderer: An analysis of historical newsroom practices examining naming patterns of killers vs. victims.

Co-authored with my PhD supervisors, this article is complete and ready for journal submission.

Article one examines historical newsroom practices around the naming of perpetrators of multiple-child homicides in comparison to the amount of identification given to their victims.

This research helps to partly answer two of the overarching research questions:

1. How did historical New Zealand journalists write about multiple-child murders?

3. How have New Zealand's suppression laws changed over the years since 1900 and how did they alter naming patterns of accused persons in stories about multiple-child murder up to 1930?

The research examines naming practices in 16 cases of multiple-child homicide reported in New Zealand newspapers between 1870 and 1930, from the time of the killing and for a subsequent 10 years. The results of the analysis, which showed that across the period historical New Zealand newspapers much more frequently named the killers over their victims, is in stark contrast to a recent unprecedented agreement by New Zealand's five largest media organisations to not name the perpetrator of a mosque shooting in Christchurch in 2019. The media agreement not to name the Christchurch killer followed advice from psychologists to media to reduce the emphasis it places on mass shooters, in an effort to prevent copycat killings (Meindl & Ivy 2017).

The frequency of the media's naming of killers and their victims has received relatively little academic attention, neither in an historical context nor in contemporary reporting. One

research project, which examined media labels given to those involved in intimate partner killings in the United Kingdom, found that males were usually named in full while females were often named only by Christian name (Wykes, 2001). Another study, which examined naming practices in United States newspaper and television reports of first reports of crime, found that the perpetrators were named more frequently than victims (Chermak,1995). The author noted this might be attributed to police having not yet released the victims' names (ibid). No such research has been conducted in New Zealand to date. Examining historical naming practices of killers and victims in New Zealand newspaper reports over the 60-year period from 1870 to 1930 builds an understanding of how and when media have elected to name those involved in multiple-child murders. This article revealed the important finding that the killers received a consistently higher profile than their dead victims and when the crime was mentioned in newspapers in subsequent years following the conclusion of the case, the victims' names were almost always absent. Throughout the entire 60-year period it was entrenched newsroom practice to name the killers through the entirety of the news coverage of the case, while the names of the victims were infrequently used once they had been buried. Of the 16 cases examined in this research paper, the killer was named in 83 percent of the 768 stories in which they could have been named, while the victims were named in only 24 percent of the stories. This research further revealed that the victims' names were most frequently used in news stories at certain points along a timeline of the cases: the first reporting of the killing; the funeral; the inquest; the formal laying of murder charges against the defendant; and the first day of the trial. It could be concluded that once the initial shock of the crime and sympathy for the victims' families waned, media interest in reporting the names of the victims may have diminished and attention turned to the killer and the subsequent legal proceedings. By analysing the number of stories published about each of the crimes and comparing these by various aspects of the case, some insight can be gained as to the news value the media placed on the crimes themselves. In analysing the results, some of the news values identified in Clifford and White's (2017) 12-point crime news values list are tested, in particular the news values of: threshold, novelty, proximity, simplification and individualism.

This article also examines what impact, if any, the discussions around name suppression and the introduction of name suppression legislation, had on naming patterns in the news stories. The discussions around name suppression began around 1900, thus comparison of the naming

patterns in the decades before and after this time would indicate whether/how the media subsequently changed its naming practices.

This research reveals that naming patterns remained static over the 60-year period, suggesting that the spectre of name suppression had little impact on the media's use of names following the heightened focus on this aspect of crime and court reporting.

The examination of naming patterns in New Zealand newspaper reporting of multiple-child homicides between 1870 and 1930 provides a window into historical newsroom practices and indicates that the pattern of more frequently naming the killer than the victim was entrenched in New Zealand newsrooms more than 100 years ago.

5.1.1 Results of analysis

Table 2: Naming patterns of accused and victims all newspapers

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
E (Munro)	1892	1	m	u/k	Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
F (Dean)	1895	2	m, f	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
G (Tyson)	1898	2	m, f	u/k	Parents	2	3m, 3m,	m,m	poison	Charges dismissed lack of evidence	20	20	19	**95**	20	10	**50**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
J (Cooper)	1922	2	m, f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	**19**	**f=11, m=8**			**44**		**f=19 m=25**			**862**	**768**	**640**	**83**	**829**	**199**	**24**
					Mother = 8	22											
					Father = 5	13											
					baby farmers = 4	6											
					acquainted = 2	5											

In addition to the results reported in article one, some other findings can be reported from the analysis of the naming patterns of accused multiple-child murders and their victims.

Men accused of multiple-child murder were named in newspapers more frequently than women accused of the same type of crime. As shown in Table 3, the six accused men were named in 84 percent of stories published in the stories about their crimes, while the nine accused women were named in only 64 percent (the full results of naming patterns, accused and victims, all newspapers, by gender of accused are reported in Appendix C). This finding suggests that men who kill multiple-child victims appear to have a greater news value than women accused of similar crimes. In contrast, on average, slightly more stories were published about the crimes involving accused women; an average of 48.4 for women vs. 41.5 for men, which suggests that while the male killers may hold a higher news value, the crimes of the women killers may have held more interest for the media This finding is consistent with the suggestions of Jewkes (2015) and Wilczynski (1997) that violence by men is not unexpected and thus the actions of a man who commits a serious crime are normalised more than if a woman commits a similar offence.

When considering the naming patterns of victims, as also shown in Table 3, the victims of accused women were named in 28 percent of stories; slightly more often than the victims of accused men at 20 percent.

Table 3: Naming patterns, accused and victims, all newspapers, by gender of accused

Gender of accused	No. of cases	No of stories	Average no. of stories per case	No. of stories in which accused could be named	No. of stories in which accused was named	No. of stories in which victims could be named	No. of stories in which victims were named
Male	6	249	41.5	393	329 (84%)	374	76 (20%)
Female	9	435	48.4	435	278 (64%)	435	123 (28%)

When considering the outcome of the cases, as shown in Table 4, the greatest average amount of coverage was given to the case of Jessica Minns (the full results of naming patterns, accused and victims, all newspapers, by outcome of case are reported in Appendix D). The Minns case, however, might be considered an outlier as a large amount of news coverage was devoted to the crime itself (an arson), but she as purported perpetrator was reported in few of these. Excluding the Minns case, the greatest average amount of coverage was given to the

cases where the accused was hanged, at an average of 83 stories per case. This could be explained by the longer coverage of these cases, which was extended to include the execution, thus generating more news copy.

In considering naming patterns the accused persons were named most often when they were hanged (96%), found not guilty by reason of insanity (94%) or when the charges were withdrawn due to insanity (92%). In the first two of these results the cases proceeded through a trial process, which might explain their more frequent naming of the accused as the news reports would have included more court coverage. The inclusion of court coverage, however, cannot explain the less frequent naming (in only 72 percent of stories) of those accused killers who also went through a trial process, were found guilty, but were not hanged, compared to those who were. The three cases in which the accused persons were hanged were the two baby-farming trials of Minnie Dean and Daniel Cooper and the trial of Rowland Edwards, who murdered four of his children and his wife. The two baby farming cases, in particular, received a large amount of news coverage. The media could not have known the outcome of these cases prior to their conclusion, and could not have known for certain whether the killers would be hanged or not. The discrepancy between the naming pattern of those found guilty and hanged and those found guilty and not hanged may suggest the media *expected* execution would be the outcome, especially in the baby farming cases where hanging had been the result in several earlier overseas cases (Cossins, 2013). In cases where the charges were dismissed before trial due to lack of evidence the accused persons were named in only 57 percent.

In examining the naming patterns of victims, the victims were most likely to be named in cases where the charges were withdrawn due to the insanity of the accused (51%); however, it is again difficult to draw any firm conclusion from this result as it is based on only two cases which attracted only a total of 37 stories. In the three cases where the accused person was hanged the victims were named in 30 percent of the coverage.

Table 4: Naming patterns, accused and victims, all newspapers, by outcome of case

Outcome	No. of cases	No of stories	Average no. of stories per case	No. of stories in which accused could be named	No. of stories in which accused was named	No. of stories in which victims could be named	No. of stories in which victims were named
Guilty, hanged	3	249	83	249	238 (96%)	230	70 (30%)
Guilty, imprisoned	3	197	66	197	141 (72%)	197	38 (19%)
Not guilty by reason of insanity	6	150	25	150	141 (94%)	150	30 (20%)
Insanity (charges withdrawn)	2	37	18.5	37	34 (92%)	37	19 (51%)
Charges dismissed (no evidence)	2	215	107.5	121	69 (57%)	215	32 (15%)

Examining the cases by method of killing, as shown in Table 5, reveals that in almost all types of killing the accused was named in more than 90 percent of stories (the full results of naming patterns, accused and victims, all newspapers, by method of killing are reported in Appendix E). The exceptions relate to killings involving the use of firearms, in which cases they were named in 72 percent of stories, and in the single case of Jessica Minns in which arson was involved, as discussed above. The victims were most likely to be named in cases involving manual assault (strangulation and assault) in which they were named in 40 percent of stories. Victims of poisoning were also named frequently (39 percent) and in drowning cases (37 percent).

Table 5: Naming patterns, accused and victims, all newspapers, by method of killing

Method of killing	No. of cases	No of stories	Average no. of stories per case	No. of stories in which accused could be named	No. of stories in which accused was named	No. of stories in which victims could be named	No. of stories in which victims were named
Firearm	3	189	63	189	136 (72%)	189	35 (19%)
Assault, other weapon	5	159	32	159	149 (94%)	159	40 (25%)
Drowning	3	52	17	52	48 (93%)	52	19 (37%)
Manual assault	2	128	64	128	121(95%)	109	44 (40%)
Poison	2	125	63	125	122 (97%)	125	49 (39%)
Arson	1	195	195	101	50 (49%)	195	22 (11%)

'Other weapon' includes cases where death was caused by cutting of throats, assault with an axe and assault with a flat iron.
'Manual assault' includes cases where death was caused by strangulation and other non-weapon assault.

5.2 Article one

Memorialising the murderer: An analysis of historical newsroom practices examining naming patterns of killers and victims

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Abstract

Psychologists have chided the news industry for the way it covers killings, claiming that putting too much emphasis on the killer aggrandises the culprit and can sometimes encourage other killers. The difficulty for the media in heeding the call to focus on the victim instead of the killer is that it is it requires media, such as newspapers, to reverse embedded styles of reporting crime, which are often related to traditional newsworthiness theories. This dichotomy played out recently in New Zealand where 51 Muslims at prayers in their mosque were shot dead by a lone gunman. In a rare move globally, the nation's five largest media organisations agreed to guidelines for coverage of the trial of the gunman, limiting publicity of his far right wing ideology, and agreeing to use his name only where materially necessary to the story. New Zealand media has the legal right to name those involved in homicide cases and has a long history of press freedom in court and crime reporting. Considering the challenges of initiating this new-style crime reporting, this research indicates that giving prominence to the murderer, rather than the victim, is, at least, a century-long newsroom practice.

KEYWORDS: child killing; mass shooting; homicide; media; naming patterns; crime reporting

Introduction

Fifty-one people died and 46 were injured following a terrorist shooting at two mosques in the city of Christchurch, New Zealand, on March 15, 2019. In a rare move, the nation's five largest media organisations agreed to a set of rules for coverage of the trial to ensure the accused's ability to broadcast his far right wing ideology was limited (Media companies agree guidelines for covering trial of alleged Christchurch gunman, 2019). Several New Zealand media organisations also pledged to only use the alleged shooter's name where it is materially necessary to the story (McCulloch, 2019). New Zealand's Prime Minister Jacinda Ardern also stated she will never use the shooter's name in public so as not to give him the notoriety he sought (O'Malley, 2019). New Zealand media has the right to name those involved in criminal cases unless this information is suppressed by the court or in some cases prohibited by legislation. In light of recommendations by psychologists to media to reduce the emphasis it places on the perpetrators of multiple killings to mitigate the propensity for copycat crimes (Meindl & Ivy, 2017), it is salient and timely to examine how entrenched the current naming practices are. New Zealand's long history of press freedom in court and crime reporting provides a valuable opportunity to examine historical practices around naming of killers and victims in homicide cases. Has the media historically viewed itself as having a moral position in relation to naming killers and victims of homicide? What does history, and journalism scholarship, suggest about the reasons that certain details are and are not reported in cases of shocking crimes?

Literature review

Crime provides an important source of news for media organisations. In the United States, for example, researchers have found that up to 50 percent of news coverage is related to criminal acts (Gruenewald, Pizarro & Chermak, 2009). This prominence is not a recent trend. According to Katz (1987), crime has been integral to US metropolitan daily newspapers for more than 150 years. Crime news values, influential in determining which crimes are covered, have been widely studied in the United States of America and the United Kingdom, where crime, and more specifically murder, is relatively frequent (Gekoski, Gray & Adler, 2012; Greer, 2017; Lundman, 2003; Pritchard & Hughes, 1997).

Of all crimes committed, murder is the most likely to be selected as newsworthy by journalists (Gekoski et al., 2012; Pritchard & Hughes, 1997), and a large amount of news space is devoted to coverage of homicide (Chermak, 1998; Lundman, 2003). Gruenewald et al. (2009) state that news stories about violent offences such as homicide are given disproportionate coverage compared with other crimes. However, not all murders make it into the news, and even if they do, only some are selected to become a major story (Gekoski et al., 2012; Lundman, 2003; Peelo, Francis, Soothill, Pearson & Ackerley, 2004; Pritchard & Hughes, 1997).

Attempts by academics to assess the news media's decision-making process around selection of homicide cases for coverage has led to mixed findings. Scholars disagree whether the novelty of the crime is the most salient factor in determining story selection, or if the characteristics of the victim and offender are most pertinent (Buckler & Travis, 2005; Gruenewald et al., 2009; Lundman, 2003). Homicides are more likely to be reported if they contain out of the ordinary aspects (Lundman, 2003). However, race and gender typifications are also important in whether a case is selected for coverage (ibid; Gruenewald et al., 2009). In evaluating the level of coverage a homicide case is given and how prominently it is placed in the newspaper or broadcast news bulletin, some research has indicated that situational characteristics are more important factors than offender/victim characteristics (Buckler & Travis, 2005; Johnstone, Hawkins & Michener, 1994). Other research suggests that homicides which involve elderly or children (Greer, 2017; Pritchard & Hughes, 1997; Sorenson, Manz & Berk, 1998), and those with multiple victims (Gruenewald et al., 2009) are more likely to be to be given more prominent coverage. Evidence shows coverage of homicides is likelier to occur, and be consistently more prominent, if the victim is perceived to hold certain newsworthy attributes which make them more appealing to the audience (Gekoski et al., 2012; Greer, 2017; Gruenewald et al., 2009). These attributes include being children, women (particularly those who are young, white, middle class and attractive), or celebrities (Gekoski et al., 2012). Soothill, Peelo, Francis, Pearson and Ackerley (2002) in a study that encompassed murders reported in British newspaper *The Times* over a 23-year period, identified a number of cases which they deemed mega-cases. These 13 cases accounted for 2860 stories of the over 15,000 stories about murder published during that period (ibid). The unusualness of the crime, the killer or the victims proved primary news values in the mega-cases, although the researchers noted the importance of the wider discourses in Britain at the time and timeliness (ibid).

A number of studies have identified children as highly newsworthy homicide victims because of their vulnerability and need for protection (Chermak, 1995; Greer, 2017; Pritchard & Hughes, 1997; Sorenson et al., 1998). A murder with multiple victims will be given more prominence by media (Chermak, 1995; Gruenewald et al., 2009). The murder of a child, or children, is one of the most shocking and least understandable of crimes. When parents are accused of committing crimes that violate their role as protectors of their children, the media views these cases as "extreme and worthy of public consumption" (Chermak, 1995, p.81). According to Danson and Soothill (1996), once the public learns the details of some child killings the names of the killers are never forgotten.

But what of the names of victims? The frequency of the media's use of names of victims and of perpetrators of murders has received little academic attention. One study of media coverage of crime in the United Kingdom examined media labels given to males and females involved in intimate partner killings, and found males were always named either in full or by surname, while females, whether killers or victims, were often described only by first name; Wykes (2001) describes these media choices as significant and concludes this naming practice is symptomatic of reducing the woman to being unworthy of adulthood and respectability. Chermak's (1995) analysis of coverage of almost 3000 crimes reported in the United States in both newspaper and television news broadcasts examines the presentation of crime victims, including victims of murder, and the news values inherent in each case, also recording whether victims and killers were named in each crime story. Chermak notes that defendants were more likely to be named than their victims, but states this was likely due to police having not released this information at the time the stories were published (ibid). Both victims and defendants were more likely to be named in newspapers in medium-sized cities than those in large cities (ibid). Because the majority of the stories in Chermak's (1995) research covered the discovery of a crime, not the duration of a case from beginning to end, the study does not provide a total picture of any victim/killer naming patterns over time.

Prior to 1905, the media in New Zealand held the sole right to decide what information it would publish from the criminal courts and up to 1920 could also decide on whose names would be made public. It was generally agreed by most major newspapers that all accused persons would be named except for first offenders of drunkenness, children under 15 years in Juvenile Court, and debtors who successfully argued against imprisonment for unpaid debts ("A flaw in the law", 1920). Judges did not have the power to suppress names in criminal courts

and if they believed there was a need for an individual to have their name kept from publication, they would make a request to the media who would decide whether or not to publish the name. This practice appears from newspaper reports to have been uncommon prior to 1900. From newspapers post 1900; however, it was clear that the practice of judges asking media to voluntarily suppress names was increasing. In 1908, a newspaper editor in Dunedin complained that judges were making too many requests for names not to be published (*Evening Star*, 1908). "If they go on at the present rate, it will soon come about that to publish a defendant's name with be the exception," he wrote (ibid, p. 6). In 1905, the first of New Zealand's court-related suppression laws, which prevent the publication of some names and information court and crime news reports were introduced (Criminal Code Amendment Act 1905). The 1905 suppression allowed only for judges to prohibit publication of evidence of a sordid nature from certain sex-related cases and then only for the protection of public morality (ibid). Then, in 1920, at the request of probation officers who hoped to give young, first offenders a second chance, Government gave the judiciary the power to suppress names of first offenders eligible for probation (Offenders Probation Act 1920). Little advice was provided to the judiciary about how, and to whom, name suppression should be applied ("Local and General", 1921a). Magistrate Robert Dyer, in remarking that lawyers were making too many requests for name suppression, noted, "A law has been passed giving Magistrates the right to order the suppression of names, but on what basis we are to act I do not know" (ibid). Confusion about the practicalities of name suppression led some judges to set inconsistent precedents. In 1921, Magistrate J. R. Bartholomew, presiding over a case of concealment of birth in Dunedin, questioned whether he had the power to suppressed the accused girl's name as it was an indictable offence (A pitiful case, 1921). Bartholomew opted to adopt the view that the court did have the power to suppress names in indictable cases, subject to his decision being overruled (ibid). He also stated other courts had done the same (ibid). The precedent set by Bartholomew in the concealment of birth case might have served as a warning to the newspapers involved in the cases in this research project subsequent to 1921, that the names of those involved in child homicide cases might be able to be suppressed. Between November, 1921 and January 1930 there were at least 23 cases involving charges of concealment of birth, including the case of Daniel Cooper, examined for this research. Of the 23 cases, the judges suppressed the names of the accused from the first appearance in court in eight cases. In a ninth case, which happened in November 1925, it is not clear from the newspaper reporting of the case exactly who suppressed the accused's name as it was merely stated that: "The mother of the child, whose name for the time being

has been suppressed, was taken to the Taihape Hospital, and her condition is reported to be satisfactory (ibid, p. 9). Another newspaper reported that upon her conviction in February 1926, her name was suppressed by the judge (Backblocks slavery, 1926).

The media's earlier freedom to choose which names it made public and what information was included in stories was being curtailed by not only legislation, but also by the decisions being made by individual judges. These decisions, in turn, could be pointed to by other judges in their subsequent suppression decisions. The apparent inconsistent decisions made by the judiciary in applying name suppression may have overshadowed media practices post 1900, in particular in the naming and framing those accused of crime.

Name suppression could have applied to some of the cases examined for this research in the period from 1920 to 1930; however, in none of these cases was it asked for. The issue of name suppression was, however, a subject of much debate in this time and in the 20 years before and had the potential to affect if, or how, those involved were named news stories.

Recently, media coverage of mass shooting incidents has ignited discussion around the naming of killers and victims. Sensational and widespread media coverage of mass shootings, which includes names, background profiles and photographs of the shooters, may have a contagion effect with others seeking fame and notoriety enacting copycat shootings (Dahmen, Abdenour, McIntyre & Noga-Styron, 2018; Johnston & Joy, 2016; Lankford, 2016; Towers, Gomez-Lievano, Khan, Mubayi & Castillo-Chavez, 2015). Questions have been raised as to whether media should name such shooters, thereby providing them with the fame they are seeking (Ariens, 2016; Pane, 2019; Zarembo, 2016). Others, however, argue that naming the shooter helps prevent future violence and the spread of incorrect information, and allows those who know the killer to contact authorities with information that may help understanding of the attack (McBride, 2015). US media organisations have recently started to accept that shifting the focus of coverage from mass killers to their victims may help prevent copycat killings and, in the four years since McBride argued for continued publication of mass- killers' names (McBride, 2015), she has changed her stance, stating that these types of crimes have now become so common that in-depth coverage of the killer no longer serves any useful purpose in understanding the motivation for the attack (McBride, 2019). Most of the research into mass shooting incidents has stemmed from the US where the majority of these types of killings occur.

At the other end of the crime spectrum is New Zealand, with a population of just under five million people and, with about 47 murders each year between 2012 and 2016, an average murder rate of 1.03 per 100,000 population (New Zealand Police, 2018). In comparison, over the same period the US murder rate was 4.58 per 100,000 (United Nations Office on Drugs and Crime, 2019). In 2019 New Zealand experienced its first modern-day, hate-related mass killing, leaving 51 people dead after a shooting at two mosques in the city of Christchurch. The agreement by media organisations to limit coverage of the alleged killer's motivations for committing the crime, and avoid the use of his name, is a bold step, in line with advice from psychologists and behavioural analysts who have urged the media to change their reporting tactics to reduce the contagion effect on other potential mass shooters (Meindl & Ivy, 2017). Some have suggested shifting the focus from the killer and instead highlighting the victims and other aspects of the case (Don't name them, 2019; Lankford & Madfis, 2018).

To ask media to self-censor their coverage of an alleged murderer and instead to highlight the victims seems remarkable. However, it is unknown how entrenched in newsrooms the practice of emphasising the killer instead of memorialising their victims is. New Zealand has a long history of press freedom and journalists have had the right to be present and report in the courts since the judicial system was established in 1840. The ability for a judge to suppress the name of an accused person before, during and after trial was granted in 1920, and then only for first offenders (s20. Offenders Probation Act 1920). In court and crime reporting in New Zealand, media organisations regularly compete to provide their audiences with exclusive coverage, and media also routinely challenge court-ordered name suppression orders when they believe those orders are unwarranted. The Christchurch mosque shooting case, with 51 victims, is the largest mass shooting event in modern New Zealand history and the first to be prosecuted as a terrorist act. The media's agreement to a set of rules for reporting the case and to use the alleged killer's name when only materially necessary deviates from standard media practice. There are, however, few academic studies into media coverage of homicide in New Zealand, and none which look specifically at patterns in the naming of the victims and perpetrators of homicides. New Zealand provides a revealing case study to examine the history of newsroom practice in relation to emphasising the killer rather than memorialising the victim, building an understanding of when and how and why media players have chosen to name killers and/or victims - or have chosen not to name. The

following research questions guide this study of media naming practices in homicide cases, over a 60-year period:

RQ1. How frequently did the New Zealand media name the killers and victims, and how do the naming rates of these two groups compare?

RQ2. Are there observable factors impacting naming practices? Does the relationship between killer and victim, the gender of the killer, the number of victims or the proximity of media outlet to the crime location have any impact?

RQ3. Are there observable trends in naming practices over the period of the study and did the spectre of name suppression change naming patterns after 1900?

Methodology

The 20 cases examined in this research represent all, a census, of the multiple-child homicides in New Zealand reported by media during the period 1870 to 1930. The broad 60-year timeframe was chosen to identify any evolution in media practice and styles, following research by Wardle (2006) into framing of UK and US child murders, which noted a shift in media framing over a 70-year period. The six decade timeframe was also significant because it covers a period when journalistic crime reporting style was observed to transition from sentimental and emotionally descriptive when discussing victims of homicide, particularly familial child murder, to a more objective, harder style which avoided sentimentalising the victim (Stabile, 2006). Another reason for the six decade timeframe was that during this period societal views on childhood were also changing. The emergence of the concept of childhood in the late nineteenth century saw a shift in perception of children from being personal property of their parents and an economic asset who could provide additional income to the family to being a dependant requiring nurturing, care and education (Hendrick, 1994; Zelizer, 1985). The possibility that the change in media style and societal views on childhood may be reflected in the way media named or described killers and victims led to newspaper content being analysed.

The sample focused on multiple murders of children committed by the same person or persons. Murders involving multiple victims and those involving child victims have each been identified as holding high news values (Chermak, 1995; Greer, 2017; Gruenewald et al., 2009; Pritchard & Hughes, 1997; Sorenson et al., 1998). Therefore, it would be expected that murders of multiple child victims should receive greater media attention, given that such cases contain two identified homicide newsworthiness factors.

Searchable digitised newspaper collections provide an important tool for analysing large quantities of news coverage over long periods and detecting trends that might have otherwise gone unnoticed (Wijfjes, 2017; Flaounas, Ali, Landsall-Welfare, De Bie, Mosdell, Lewis & Cristianini, 2012; Landsall-Welfare, Sudhahar, Thompson, Lewis & Cristianini, 2017). Newspapers were sourced through the New Zealand National Library's online searchable newspaper collection *Papers Past*, which holds digitised copies of 144 New Zealand newspapers published between 1839 and 1950. The date parameters of January 1, 1870, to December 31, 1929, were used. Combinations of the key words 'murder', 'death', 'tragedy'

and ‘sensation’ and ‘child’, ‘children’, ‘baby’ and ‘babies’ were searched using *Papers Past*’s online search tool. Details, including the date of the crime, name, age and occupation of the killer, names and ages of the victims, method of killing, inquest verdict, charge, plea, court verdict and sentence of in each of the 20 originally identified cases were recorded on an Excel spreadsheet. Three of the cases were subsequently excluded as the killer had committed suicide and one further case was excluded as the two murdered children were unnamed newborn twins so the case coverage could not be used in an analysis involving naming of victims. This left 16 cases for close analysis. The cases include: those in which the charges were dropped before trial, due to either lack of evidence or the insanity of the killer; those which went to trial and a not guilty verdict resulted; those in which a guilty verdict was found and the killer was imprisoned; and those in which the killer was found guilty and was executed. The cases include both familial killings, in which the killer and victims are related, and non-familial killings.

Because the analysis focused on media naming of killers and victims, it was important to include only stories in which this information was known to media and therefore in which a decision had to be made by a reporter about whether or not to include the names. Detailed inspection of the content of each of the 862 news stories written about the 16 cases included in the research determined which articles were written after the names of the accused or the victims had been made public, and which ones were written when the names were not yet known. In two cases the names of one of the parties was unknown at the time of the event: in one the accused was not identified until the inquest, and in the other the victims were not identified until the preliminary trial. In these cases the analysis was adjusted to include only the stories in which the names of the accused and/or the victims were known to media at the time of writing.

The parameters of the sample data were carefully considered, in order to keep the data set at a manageable size. Many newspapers of the time sourced stories about events outside their regions from press wire services: such stories were replicated word for word in many different newspapers. Therefore it was important to ensure only original stories were included in the research. The primary source for each homicide case is original news reports from two newspapers: one the local newspaper closest to the town or city in which the case took place, and the other a metropolitan newspaper. As proximity of an event is a key news value

(Galtung & Ruge, 1965), greater and more thorough level of coverage of a case might be expected to appear in the nearer local newspapers (Gilchrist, 2010).

The content of the two newspapers selected for each case was searched on the database from the date of the murders through to the tenth anniversary of the event. To ensure the searches captured as many mentions of the crime as possible, the first name and surname of the killers were searched separately, as were the first name and surname of the victims, to capture stories in which only a single name was used. In addition, searches were undertaken using the location of the crime and key words such as 'murder', 'tragedy', 'sensation' and 'killing', to ensure stories about the case were captured which named neither killer nor victim. The total number of stories about each case in each of the newspapers, the number of stories in which the killer was identified by name, and the number of stories in which at least one of the victims was identified by name were recorded on Excel spreadsheets. The data was then analysed to generate the percentage of stories in which the killers and the victims were named, and to investigate whether there were trends evident over time in publishing the names of killers and/or victims. The data was then further analysed in four different categories to determine other possible influences upon naming practice: relationship between killer and victim; gender of the killer; number of victims; and relative proximity of the two newspapers (local vs metropolitan). In some of the cases it was not possible to analyse coverage from a local newspaper and a major newspaper. In eight cases the crime occurred in a location with no local newspaper so competing major newspapers from the nearest town or city were used. In the remaining eight cases, local and metropolitan newspaper coverage was able to be compared in relation to their naming practices.

Results

A major finding of this study showed that the media chose to name the killers more than three times as often as they chose to name their victims. As seen in Table 6, of the 862 stories published in the source newspapers about the 16 cases of multiple child murder between 1870 and 1930, 768 were published while the killer's name was known to the media, meaning the media made a decision about whether or not to include it in the story (for full results see Table 2 on page 56). In the other 94 stories, the killer had not yet been identified by police. Of the 768 stories produced while the name was known, the killer was named in 83 percent (n=640) of the articles. On the other hand, of the 862 stories about the 16 cases, 829 were published while the victims' names were known to the media. Of the 829 stories, the media elected to name either one or more of the victims in only 24 percent (n=199).

Table 6: Naming patterns, accused and victims, all newspapers

Name	Total no. of stories	No. of stories at time name was known	No. of stories in which name was used	Percentage of total stories in which name was used
Accused	862	768	640	83%
Victim	862	829	199	24%

When examining the points at which the names of victims were published along a timeline of the cases, it is apparent there are common points, or events, when the names are more frequently included in stories. These points are: the first reporting of the killing; the funeral; the inquest; the formal laying of murder charges against the defendant; and the first day of the trial.

The results further revealed that the media gave more prominence to cases where the killers and victims were unrelated by family (see Table 7). Comparing the number of stories published about familial killings with non-familial, in which the names were known at the time, showed that, on average, more than four times as many stories were devoted to non-familial killings (for full results of naming patterns, accused and victims, all newspapers, familial and non-familial relationships see Appendices F and G). A total of 317 stories were published in the source newspapers about the 12 cases in which the killers and their victims had a familial relationship, an average of 26.4 stories about each case. Conversely, a total of

531 stories were published about the four cases where there was no familial relationship, an average of 132.8 stories about each case.

Table 7: Number of stories, all newspapers, by accused/victim relationship

Relationship to victims	No. of cases	No. of stories	Average no. of stories per case
Familial	12	317	26.4
Non-familial	4	531	132.8

Comparing the naming patterns in the stories about familial killings with the stories about non-familial killings, as displayed in Table 8, in the 317 stories about the 12 familial killings the accused killers were named in 94 percent (n=297). Of the 531 stories published about the four non-familial cases, the accused person's identity was in the public domain at the time of publication in 437. In those 437 stories, the killer's names were only included in 75 percent (n=329).

When comparing this pattern with the naming patterns relating to the victims, as shown in Table 8, in the 317 stories written about familial killings, the victim was named in 30 percent (n=95); however, in the 512 stories about non-familial killings in which the victim's name was in the public domain at time of publication, the victims were named in only 22 percent (n=114).

Table 8: Naming patterns of accused and victims, all newspapers, familial vs non-familial killings.

Relationship to victims	No. of cases	Total stories	No. of stories in which accused could be named	No. of stories in which accused was named	No. of stories in which victims could be named	No. of stories in which victims were named
Familial Killing	12	317	317	297 (94%)	317	95 (30%)
Non-familial Killing	4	531	437	329 (75%)	512	114 (22%)

Of the 12 familial killing cases, seven involved the mother as the killer (see Appendix H for full results of naming patterns, accused and victims, all newspapers, mother as accused), four involved the father (see Appendix I for full results of naming patterns, accused and victims, all newspapers, father as accused), and in one both parents were charged. Of the 297 stories published in the source newspapers about the 11 familial killings in which only one parent was accused, as shown in Table 9, 162 stories were published about the four cases of father as killer, an average of 40.5 stories per case, while 135 stories were published about the seven cases of mother as killer, an average of 19.3 stories per case. When examining the naming patterns in the cases in which one parent was accused, in the 162 stories about the four cases of father as killer, he was named in 94 percent (n=153). In the 135 stories printed about the seven cases of mother as killer, she was named in 93 percent (n=125). Much greater disparity appears in naming patterns around victims: in the 162 stories about accused fathers, their victims were named in only 14 percent (n=23), while in the 135 stories about accused mothers, the victims were named in 46 percent (n=62) (see Table 9 below).

Table 9: Naming patterns, accused and victims, all newspapers, mother vs father

Parental role	No. of cases	No. of stories	Average no. of stories per case	No. of story in which accused was named	No. of stories in which victims named
Father	4	162	40.5	153 (94%)	23 (14%)
Mother	7	135	19.3	125 (93%)	62 (46%)

While the non-familial killings represent only four cases in the sample, as seen in Table 10, a distinction may be observed among them (see Appendix G for full results of naming patterns, accused and victims, all newspapers, non-familial killings). Two of the cases involved baby-farmers, who took in unwanted or illegitimate children for payment on the pretext that they would find or provide suitable, loving homes for them. The two cases examined in this research were those of Williamina (Minnie) Dean, in 1895, and Daniel Richard Cooper, in 1923. Both these cases attracted significant media attention and the killer/victim naming patterns were very similar. There were 105 stories written about the Dean case, and she was named in 98 percent (n=103) of these. There were 103 stories written about the Cooper case, and he was named in 96 percent (n=99).

The other two cases involving killings by people not related to the children also received significant media attention, but the names of the accused were not as frequently published as

in the baby-farming cases. One, New Zealand's only school shooting to date, involved the killing of two schoolboys by John Christopher Higgins in 1923. The other involved an arson which destroyed a hotel, killing the three children of the proprietor and two other adults. The hotel's pantry maid, Jessica Newbegan Minns, was charged with murder after her inquest testimony implicated her; however, the charges were dropped at the beginning of her trial in the Magistrate's Court due to lack of evidence. There were 128 stories published about the Higgins case but he was named in only 60 percent (n=77). There were 195 stories in total published about the Minns case, but of these only 101 were written after her name was made public as a suspect and she was named in only 49 percent of those (n=50).

In all of the four non-familial killings the victims in each case were also named much less frequently than those accused of their murders, similar to the patterns observed in the familial killings. Of the 84 stories published about the Cooper case after the victims' bodies were identified and their names were made public, their names were used in 33 percent (n=28). Of the 105 stories published about the Dean case, the victims were named in 37 percent (n=39). Of the 128 stories published about the Higgins case, the victims were named in 20 percent (n=25) and in the 195 stories written about the fire that resulted in the Minns case the victims were named in only 11 percent (n=22).

Table 10: Naming patterns accused and victims, all newspapers, baby farmers vs other non-familial accused

Case	Date	R'ship to victims	Total stories	Stories in which accused could be named	Total stories in which accused was named	Stories in which victim could be named	Total stories in which victim was named
F (Dean)	1895	Baby farmers	105	105	103 (98%)	105	39 (37%)
J (Cooper)	1922	Baby farmers	103	103	99 (96%)	84	28 (33%)
	Totals		**208**	**208**	**202 (97%)**	**189**	**67 (36%)**
I (Minns)	1901	Acquainted	195	101	50 (50%)	195	22 (11%)
K (Higgins)	1923	Acquainted	128	128	77 (60%)	128	25 (20%)
	Totals		**323**	**229**	**127 (56%)**	**323**	**47 (15%)**

Naming patterns also varied depending on the number of victims, as shown in Table11. Sixty-five stories were published in relation to the three cases in which there were four victims, and the children were named in only 12 percent of these stories (n=8, for full results of naming patterns, accused and victims, all newspapers, by number of victims see Appendix J). Comparatively, in the 460 stories written about the six cases where the names of the three

victims were known, they were named in 24 percent (n=112), and in the 304 stories written about the seven cases with two victims, that number rose to 29 percent (n=89).

When the killers are considered, the naming frequency patterns are reversed. Of the 65 stories where four victims were killed, the killer was named in 97 percent (n=63). Of the 385 stories published about the six cases with three victims in which the accused's name was in the public domain, the killers were named in 83 percent (n=320). In the 304 stories about the seven cases in which there were two victims, the killer was named in 80 percent (n=243).

Table 11: Naming patterns, accused and victims, all newspapers, by number of victims.

Number of victims	No. of stories	Average stories per case	No. of stories in which accused could be named	No. of stories in which accused named	No. of stories in which victims could be named	No. of stories in which victims named
Four	65	16.3	65	63 (97 %)	65	8 (12 %)
Three	479	80	385	320 (83 %)	460	112 (24 %)
Two	304	43.4	304	243 (80 %)	304	89 (29 %)

While Dean and Cooper were each convicted of only one murder, they and their victims were included in the cases involving three killings as three bodies were found in each of the cases.

In the eight cases in which local and metropolitan newspaper coverage was able to be compared in relation to their naming of killers and/or victims, 219 stories were printed in the metropolitan newspapers. As shown in Table 12, in these 219 stories, the killer was identified by name in 91 percent (n= 199), whereas in the comparable 250 stories about the eight cases published in the local newspapers, the killer was named in 83 percent (n=202). On the other hand, in the 215 major newspaper stories published while the victims' names were known, their names were used in 21 percent (n=45), while in the 245 local newspaper stories published while the victims' names were known, their names were used in 25 percent (n=60, for full results of naming patterns, accused and victims, local vs metropolitan newspapers, see Appendix K).

Table 12: Naming patterns, accused and victims, local vs metropolitan newspapers

Newspaper type	Total stories	Total stories in which accused could be named	Total stories in which accused was named	Total stories in which victim could be named	Total stories in which victim was named
Local	250	250	208 (83%)	245	60 (25%)
Metropolitan	219	219	199 (91%)	215	45 (21%)

Analysing the data to examine long-term trends, as shown in Table 13, revealed no significant changes in naming patterns over the six decades of the study period, despite the increasing discussion around name suppression post 1900 (for full results of naming patterns, accused and victims, all newspapers by decade see Appendix L). In the 46 stories published about the two cases from the 1870s, the killers were named in 87 percent (n=40) and the victims in 25 percent (n=16). In the 1880s, in the 61 stories about two cases the killers were named in 95 percent (n=58) and the victims in 23 percent (n=14). In the 1890s, in 210 stories published about four cases, the killer was named in 95 percent (n=200), while the victims were named in 29 percent (n=61). There was only one case in the decade between 1900 and 1910, the Minns case of the hotel fire, which was somewhat anomalous as there were doubts about her involvement and the news coverage also included discussion on the inadequacy of firefighting equipment and the need for fire escapes in hotels. In the 101 stories published after she became a suspect in the case, she was only named in 50 percent (n=49), and in the 195 stories published about the fire, the victims were named in only 11 percent (n=22). There were no cases reported in newspapers in the decade between 1910 and 1919. In the 336 stories published about the seven cases which occurred in the 1920s, the killer was named in 83 percent (n=278). Of the 317 stories published about these seven cases while the victims' names were known to the media, they were named in 30 percent (n=96). This indicates the despite the increasing discussion around name suppression from around 1900, the imposition of legislation in 1905 and 1920, and various common law decisions by judiciary, media largely continued to use the names of both victims and their accused killers in the same manner as they did before 1900.

Table 13: Naming patterns, accused and victims, all newspapers, by decade

Decade	No. of cases	No. of stories	No. of stories in which accused could be named	No. of stories in which accused named	No. of stories in which victims could be named	No. of stories in which victims named
1870-1879	2	46	46	40 (87%)	46	16 (25 %)
1880-1889	2	61	61	58 (95 %)	61	14 (23 %)
1890-1899	4	210	210	200 (95 %)	210	61 (29 %)
1900-1909	1	195	101	50 (49%)	195	22 (11%)
1910-1999	0	0	0	0	0	0
1920-1929	7	336	336	278 (83%)	317	96 (30%)

Discussion

A number of important and surprising findings emerge from this research into the naming patterns in historical news stories about multiple-child murder cases in New Zealand. Throughout the period under investigation, it was entrenched practice in newsrooms for killers to be foregrounded while victims were largely forgotten after they were buried. In every case examined, the killer was named more frequently than their victims.

In the 16 cases from 1870 to 1930 examined for this research, the killers were named on average more than three times as often as their victims. This finding is consistent with Chermak's research into 1990s crime reporting in the mid-western United States of America (1995), which also found that defendants were more likely to be named than victims in crime stories. Chermak concluded that victims' names were less likely to be included in the stories examined in his research because the reports were of the discovery of the crime and the victims' names were not yet known to the media (ibid). Chermak's conclusion cannot, however, explain the trend in this present research as this analysis includes reportage of cases from the discovery of the murder through a subsequent 10 years. Such longitudinal analysis shows that the media decided not to include the victim's name in the stories even when those names were in the public domain.

The naming decisions around victims may reflect a number of factors. In cases of murder, victims are no longer able to speak for themselves unless their family and/or friends do so for them. In some of the cases in this study, statements by a parent or other family member are

reported. However, these are taken from official statements or testimony in court rather than from an interview with a journalist, suggesting that perhaps the media found it easier to get information through official channels. Thus, once the period of initial public shock and grieving waned and the victims were buried, there is no longer any media interest in them: the victims can no longer add anything new to the story except when/or if they are named in official processes. Examining the points at which victims are named in the chronology of the story supports this conclusion. Analysis revealed chronological points, corresponding to particular events, at which the names are more frequently included in stories. In the initial stages of the reporting, the victims are routinely named, up to and including the funeral, if that is reported. In subsequent reports the use of victims' names appears almost perfunctory, as these mentions were generally connected to legal proceedings: for example, victims were the subjects of the inquests, or were named in the criminal charging documents, and/or were named at the beginning stages of the murder trial. Once the victims' names were no longer mentioned in the formal proceedings, the media largely excluded them from coverage, and instead focussed almost entirely on the killers and the legal consequences of their crimes. If the case was referred to by the media in subsequent years, the names of the victims were almost invariably absent.

Analysis also revealed that the media much more frequently reported on non-familial murder cases than familial killings. A total of 531 stories were published in the source newspapers about the four non-familial killings – an average of 132.8 stories per case. However, only 317 stories in total were published about the 12 cases of familial killings – an average of 28.8 per case. The data reveals that over the 60 years, killings of children by those unrelated to them (four cases) were much rarer than killings of children by their parents (12 cases). The higher level of coverage given to more unusual cases is consistent with earlier research (Lundman, 2003; Soothill et al., 2002) which identified unusualness as a primary news value in determining the level of media coverage. This also potentially reflects the societal views of the time, where the shift from valuing children as property to considering them as beings in need of nurturing and education (Hendrick, 1994; Zelizer, 1985), was still in its embryonic stages. For a parent to dispose of a child, for which they 'held ownership', may have been more explicable and less shocking than the killing of someone else's child.

However, in comparing the naming patterns in the stories about familial killings with those in stories about non-familial killings, parents who killed their children were far more likely to

be named (94 percent) than those who killed other people's children (75 percent). A less-pronounced but similar pattern emerges when comparing naming patterns of victims in non-familial and familial killings. The victims of familial killings were named in 30 percent of stories, while in non-familial killings they were named in only 22 percent. As non-familial killings were more unusual occurrences than familial killings, and newspapers across the country frequently published sensational stories about those cases, so the media's use of the killer's names in each story may have been deemed unnecessary, as it could be assumed the public would already be familiar with the case.

An interesting difference emerged in the naming practices employed in familial murder coverage, with the children being named more than three times as often if they were killed by their mother than by their father. In the 11 familial cases involving one parent as killer, when the mother was the killer, the children were named in 46 percent of the stories; however, when the father was the killer, the victims were named in only 14 percent. Such a discrepancy seems suggestive. Powell's research (2013) into infanticide in New Zealand describes the perceived sanctity of motherhood as strongly influencing the way in which the justice system punished neglectful and violent parents. Similar views among members of the media may be reflected in the reportage of crimes involving mothers who had violated the sacrosanct role of nurturing and protecting their children. The results of this study suggest that the shock value of a mother killing her children could be emphasised and capitalised upon by the naming of her victims. On the one hand, the more frequent naming of murdered children when mothers were accused may indicate that media felt a need to humanise the victims of such terrible crimes. Conversely, the naming of the children might also draw more attention to those mothers and punish and shame them for the horror of shattering a societal ideal holding them as the children's primary protectors. The lower rates of naming murdered children when the father was a killer is consistent with a view that fathers were not expected to play the same role as nurturers of their children.

Prior to the 1895 Dean baby-farming case, New Zealand media had given prominent coverage to international cases of baby-farmer murderers. In the five years before 1895, media in New Zealand reported stories on baby-farmer murderers in Poland, Germany, Ireland, England and Australia. Two cases in Australia, those of John and Sarah Makin in Sydney in 1893 and Francis Knorr (known as Minnie) in Melbourne in 1894, prompted much editorial discussion in New Zealand newspapers in relation to appropriate penalties for baby-

farmer murderers. The editor of the *New Zealand Herald and Daily Southern Cross* in 1894 was vociferous in his view that there should be no hesitation in sending Knorr, "the baby murderer", to the gallows as an example to others (Editorial, 1894).[1]

It was not unsurprising that in 1895, when the bodies of the infants were discovered in the Deans' garden, the media took great interest in the case as they may already have been primed to expect such an occurrence in New Zealand. The Dean case and the case of Cooper held an additional attraction for media, one not easily described by traditional news values. This news value may best be described as salacious gossip. The child victims of these crimes were largely illegitimate children, sent off to baby farmers to be 'out of sight', and through their murders their parents were identified and often brought to court to testify in public. This offered the media an opportunity to expose and discuss what was, in that era, often a shameful secret.

The other two non-familial murder cases also received a large amount media attention; however, the accused killers were named less frequently than their baby-farming counterparts. Higgins, the school shooter, was named in only 60 percent of the stories written about the case. There was no doubt that Higgins was guilty of the crime: He had been witnessed by teachers and pupils at the school. During his rampage Higgins had also shot and injured the headmaster who told his story to the media. Media attention, as well as the criminal justice process, focused on Higgins' sanity and once he was remanded to an asylum to await trial, media attention focussed instead on the recovery of the two adult victims of the shooting (the headmaster and a police officer) and the fate of Higgins' wife and children, who had been left destitute. Further media coverage focussed on the rebuilding of the school, which had been burned to the ground after the rampage. The Minns case was different in nature to the others. In all but one of the other cases there was no question that the accused person was responsible for the killings, but in Minns' case it was highly unlikely that she was involved despite being charged. At the inquest into the arson and deaths she had presented fantastical evidence about being forced to help start the blaze by a gang of mysterious men. This sensational story piqued the interest of police, the coroner and the media. However, she quickly recanted her evidence, claiming she had made it up after reading a similar story in a

[1] Dean herself was named in newspapers in relation to the death of one of her 'baby-farmed' children in 1891 (The Winton Baby-Farm, 1891). The news story of the inquest reported that the child had died of natural causes, but also noted that the jury had recommended regulations requiring baby farmers to obtain licences to ensure the care and treatment of the children was adequate (ibid).

'penny dreadful' magazine. Although she was charged with the murders and sent to trial, the case was dropped due to lack of evidence. While the fire continued to make news, the media stopped mentioning Minns following the collapse of the case against her.[2]

Results of this study indicated that the greater the number of children killed, the more frequently the killer was named. This finding is consistent with earlier research, arguing that homicides with multiple victims are likely to be given greater and more prominent coverage (Gruenewald et al., 2009). However, the naming patterns of victims uncovered in this research showed a decrease in victim name use *as the number of victims increased.* This might be attributable to a pragmatic reason: media might have needed to save space on their news pages so opted to omit a longer list of names. It could also be the case that the journalists found it easier and more expedient to substitute a collective noun such as "the children", rather than take the time and trouble to verify and use the correct names and their spellings.

The methodology section reports the study's aim to draw original news coverage from both a local newspaper and a major newspaper. As discussed above, in some cases it was not possible to source newspapers which met this criteria to compare naming patterns around killers and/or victims. In the eight cases in which there was coverage to compare, analysis showed that major newspapers were more likely than local newspapers to identify the killer by name. It is conceivable that the journalists and editors on local papers found less need to name the killers as they assumed that by referring to the case using a generic label such as 'the recent tragedy' their local readers, geographically and emotionally close to the event, would know who was being referred to. In the more distant newspapers, it was less likely that readers would be personally acquainted with anyone involved, thus there may have been a felt need to identify the killer by name.

During the period examined for this research New Zealand introduced the ability for some accused persons to apply to the judiciary to have their name suppressed from publication. In none of the cases examined was this applied for; however, discussion around this issue increased from the turn of the century. Those working in the area of court and crime reporting

[2] Interestingly, there were at least seven newspaper stories about Minns between 1915 and 1917 after her mental health declined and she became vagrant, and despite the intense media focus on her at the time of the fire in 1901, no mention of it was made in the later stories about her.

post 1900 would almost certainly have been aware of the prospect that some of the cases they would report on might be subject to a judge's decision to suppress the names of people involved. Despite this knowledge and the broader discussion around the issue of name suppression the results do not indicate any marked changes in naming patterns in the cases examined. It could be concluded that as no order for suppression had been made, the media continued to use the names of those involved in the manner that had been practiced prior to name suppression.

The period covered by this research saw a changing societal view of childhood, from children as property and sources of income to vulnerable beings in need of nurturing and education (Hendrick, 1994; Zelizer, 1985). The same period also saw a transition in journalistic style from sentimental, emotionally descriptive crime writing to a more objective hard news style (Stabile, 2006). These societal and industry changes were not, however, reflected in the naming pattern of killers and victims over the decades. Other than the Minns' case in 1901, which differed in nature to the other cases, naming patterns showed only slight variations across the decades. Victims, even the youngest and most vulnerable of them, quickly faded from newspaper coverage. However, some killers gained such notoriety that their names continued to be reported, and continued to sell papers, months or years after the event.

Conclusion

Psychologists have implored media to stop focusing on the perpetrators of mass rampage killings in an effort to stem the increasing growth of these crimes. In New Zealand, media took a bold step in agreeing to limiting news coverage of the Christchurch mosque shooting case to reduce focus on the accused and his motivators. This examination of naming patterns employed by media in historical murder cases provides a window into past media practices and shows that the practice of giving murderers far more prominent coverage than their victims is deeply entrenched in newsrooms. The research also shows that media in this time made no major change to naming practices despite the growing spectre and discussion around name suppression. Shifting the focus from emphasising murderers to memorialising their victims poses no minor adjustment in reporting behaviour as it involves overturning more than a century of entrenched journalistic practice.

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STATEMENT OF CONTRIBUTION
DOCTORATE WITH PUBLICATIONS/MANUSCRIPTS

We, the candidate and the candidate's Primary Supervisor, certify that all co-authors have consented to their work being included in the thesis and they have accepted the candidate's contribution as indicated below in the *Statement of Originality*.

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Date:	7 September 2020

(This form should appear at the end of each thesis chapter/section/appendix submitted as a manuscript/ publication or collected as an appendix at the end of the thesis)

5.3 Article two summary

Demented mother, Maniac with a gun, Madman: Prejudicial language use in historical newspaper coverage of multiple-child murders in New Zealand.

Accepted for publication in: *Emerald Studies in Media and Communication*, *Volume 23, Mass Mediated Representations of Crime and Criminality,* forthcoming in 2021.

Article two extends the analysis of naming practices employed by historical New Zealand journalists to include media framing of multiple-child murderers. Article one found that the names of the accused killers were published by media almost three times as often as the names of the victims. This practice arguably increased the prominence of the accused killers, while diminishing the status of their victims.

Article two addresses question two of the overarching thesis research questions

2. How does media coverage of early New Zealand child murder cases fit or deviate from classic theories of news media crime reporting such as framing of crime?

This article also reflects on whether some of the language and phrasing choices made by media may have been prejudicial.

Article two examines under the broad categories of 'mad', 'bad' and 'sad' how the media portrayed these accused killers by examining the language used to construct frames for them in newspaper reports of 17 cases of multiple-child homicide in New Zealand between 1870 and 1930. The 'mad', 'bad' and 'sad' frames are created through the deployment of words and phrases that portray the killer in a certain light and also help shape audience understanding of the kind of person that could commit such a crime. Previous studies have identified the media's construction of broad 'mad', 'bad' or 'sad' frames in reporting of homicide cases (Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013). Little research has, however, involved 'mad', 'bad' and 'sad' frames in

historical news reporting and none has examined these frames in New Zealand news media reports.

The results of this study suggest that the New Zealand news media in the period under investigation took a judgmental position in constructing frames for the accused killers, attributing blame and justification for the murders. This finding is consistent with earlier research by Easteal et al. (2015), Greer, (2017), Stuart-Bennett (2019), Wardle (2003) and Weare (2013) which also found that media frames helped to attribute guilt or innocence and explain the motivation for crime. The results showed that 'mad', 'bad' and 'sad' frames were evident in the news reporting of many of the 17 cases of multiple-child murder examined; however, in some more than one frame was evident and in others no obvious frame was identified for the killers. The results suggest that the 'mad', 'bad' and 'sad' taxonomy has limitations and, in some cases, may be too simplistic to illustrate nuances in the cases and in framing. It cannot be known whether any of the language used had any influence over jury members in the cases, particularly as deliberations in the jury room were and are secret and must remain so even after the case is completed. A correlation between the frames constructed by the media and the outcome of the cases was, however, observed. In most cases where, for example, media frames portrayed the killers as 'mad', at times in combination with 'sad' or 'bad' frames, the killers were found not guilty by reason of insanity. In fact, all cases in which the killer was framed solely with a 'bad' frame ended with the perpetrators being hanged.

In three of the cases, it was difficult to define any particular frame being constructed for the accused persons; instead, the case itself was framed in particular ways which emphasised the mystery which surrounded it. In all of these cases there was doubt about the guilt of the accused persons.

This article queries the tripartite 'mad', 'bad' and 'sad' taxonomy, suggesting that a more nuanced approach may be needed. In addition, evidence of 'mad', 'bad' and 'sad' framing for the accused person may pose a challenge to notions of journalistic objectivity, as these frames might have had the capacity to be prejudicial to the case and may show a degree of bias, even if not intended.

Please note that as article two has been accepted by a US-based publication the spelling and grammar used is US English.

5.4 Article two

Demented mother, Maniac with a gun, Madman: Prejudicial language use in historical newspaper coverage of multiple-child murders in New Zealand

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Abstract

The murder of children is one of the most incomprehensible crimes. In order to make sense of such horrific acts, media often employ broad frames of ‘mad’, ‘bad’ or ‘sad’ to portray these killers. These frames, developed through the employment of particular phrasing and words, can shape audience understanding of what kind of person could commit such a crime. This research analyzed 60 years of reporting of multiple-child murders in New Zealand and confirmed that even in the 1800s media employed ‘mad’, ‘bad’ and ‘sad’ frames, but found that, instead of being classified with a single frame many killers were portrayed using a combination of two or even three. In some cases, media ignored facts which could have provided an alternative portrayal of the killers. In other cases, no obvious frames were employed leaving the audience with no cues on which to form an opinion. This research suggests that the ‘mad’, ‘bad’ and ‘sad’ taxonomy has limitations that elide nuance and blunt our understanding of culturally contextualized crime reporting.

Keywords: crime reporting; media framing; child murder; media portrayal; framing effects; media and child murder.

In 1853 New Zealand saw one of its first court cases in which the influence of media framing was at issue. Former newspaper proprietor William Brown sued rival newspaper publishers John Williamson and William Wilson for libel claiming their publication of criticism of him caused him to lose an election for the influential role of Auckland province's first Superintendent. Brown applied to have the libel case moved to another city. Williamson and Wilson's newspaper was extensively circulated in Auckland, and Brown claimed it would be unfeasible for jurors to not have already formed prejudices (Supreme Court, 1853). While the judge refused to move the case, he acknowledged the possibility that jury members had been unconsciously prejudiced (Supreme Court, 1853). Brown won the case, but the jury awarded him just one pound instead of the one thousand he had asked for.

Brown's case illustrates the long-standing awareness that media framing can influence potential voters, and also potentially affect jury verdicts. Journalists make news stories more meaningful for an audience by selection and inclusion of certain information which is framed in a particular way (Entman, 1993). News frames can help to shape people's perceptions of complex issues and events such as crimes and help them make judgments about guilt or innocence (Holt & Major, 2010). Media draw on both cultural and cognitive constructs to frame and simplify complex information (Barnett, 2016; Goffman, 1974) and may select a previously established frame to which audiences can relate (Morrissey, 2003). In reporting homicide cases the media often builds three broad frames, 'mad', 'bad' and 'sad' (Easteal, Bartels, Nelson & Holland, 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013). Once a frame is created media may be reluctant to provide alternative frames even when new information arises (Easteal et al., 2015), possibly because substantial work has gone into setting the frame (Ericson, Baranek & Chan, 1987; Morrissey 2003). In journalism, while practitioners subscribe to the concept of balanced and unbiased reporting, Entman argues that framing of news stories "prevents most audience members from making a balanced assessment of a situation" (1993, p. 56). On rare occasions no obvious frame may be evident. This 'no obvious frame' may in itself be a frame, in line with Websdale and Alvarez's 1998 theory of 'forensic journalism' involving the reporting of factual information provided by authorities and confined to the immediate crime, rather than social constructs. The majority of the research into the media's use of 'mad', 'bad' and 'sad' frames for accused murderers draws on modern media reports, although Stuart-Bennett, (2019) suggests these frames were evident in Victorian newspapers. This research extends understanding of

'mad', 'bad' and 'sad' frames by examining their employment in news media at a time when fewer restrictions limited what media could report in crime news.

Killer women

Earlier research has suggested that treatment of men and women within the broader justice system follows a routinized pattern of patriarchal ideology, where people are treated differently depending on their gender and often have different outcomes at trial (Frazier, Bock & Henretta, 1983; Weist & Duffy, 2013). This gender-based differential treatment has also been observed in media framing of filicidal parents (Websdale & Alvarez, 1998; Weist & Duffy, 2013).

The majority of research to date on the use of media framing of murderers draws on killings committed by women. In reporting of murders by women, in some cases, additional background information is minimized or excluded, effectively removing context from the killers (Easteal et al., 2015). Women who kill those not related to them are often masculinized and framed as particularly bad (Collins, 2016). Women who kill other people's children may be framed as sexually deviant (Easteal et al., 2015), as for example in the case of Myra Hindley who was involved in the sexual assault and murder of five children in the 1960s in England. Media highlighted Hindley's sexual sadism, stripped her of femininity (Easteal et al., 2015), and portrayed her as the epitome of feminine evil (Storrs, 2004).

According to Jewkes (2015), most female murderers are portrayed as inhuman and evil monsters; however, in two crimes their humanity remains – spousal murder and infanticide. Women who commit these crimes are represented as non-agents, not responsible for their actions, as they are, in the case of spousal abuse, acting in self-defense, or, in the case of infanticide, a combination of 'mad' and 'sad' (Jewkes, 2015). Media representations of mothers are embedded in Victorian ideals of motherhood (Barnett, 2016). Good mothers are loving, maternal, and caring and when mothers contravene these stereotypes by committing crimes they are depicted as unusual (Barnett, 2016; Weare 2013), deviant or bad (Easteal et al., 2015). A mother who kills her child deviates from societal standards so egregiously that she will frequently be portrayed as cold, callous, sick, monstrous and evil (Barnett, 2005; Barnett, 2016; Meyer, Oberman, White, Rone, Batra & Proano, 2001). Some mothers who kill are reportedly 'bad' because they have previously contravened societal expectations by,

for example, abusing a child, drinking alcohol to excess (Wilczynski, 1997), or being sexually deviant (Weare, 2013), and may be portrayed as being victims of circumstance or suffering from a medical or mental health condition (Barnett, 2005; Easteal et al., 2015; Wilczynski, 1997). In the legal system, violence in women is often medicalized and attributed to hormonal imbalance, mental illness, battered women syndrome, pre-menstrual syndrome or post-natal depression (Wilczynski, 1997). Mothers portrayed as 'mad' may in some cases also be depicted as being a good mother with their crimes being considered uncontrollable and irrational (Meyer et al., 2001). While mother killers depicted as 'bad' are seen as being worthy of punishment, those whose crimes have causal links to mental health problems (mad) or victimization (sad) are deemed more sympathetic, with lesser or no punishment deserved (Easteal et al., 2015). The 'mad', 'bad' and 'sad' frames may, however, be inconsistently applied to the same case by different media. An example is the 2001 case of Andrea Yates who, after drowning her five children, was portrayed by different media outlets as either a victim of mental illness or a cunning and cold murderer (Barnett, 2005).

Killer men

Little academic research is devoted to news media portrayals of fathers who kill their children despite about half of filicides being committed by men (Barnett, 2005; Jewkes, 2015; Weist & Duffy, 2013). Two studies (Jewkes, 2015; Niblock, 2018) found that while mothers were often framed as evil, fathers were not. It is expected that men will behave in a masculine way, thus leadership, confidence, dominance and aggression are socially accepted (Weist & Duffy, 2013). Violent behavior by men, even when extreme, is not unexpected and sometimes even glorified, thus, when a man commits a serious crime his actions are normalized more than if a woman commits the same offence (Jewkes, 2015; Wilczynski, 1997). Even when men become fathers it is anticipated and accepted that they continue to exhibit traditional masculine behaviors, showing their love through being a provider and protector rather than compassion, nurturing and love (Weist & Duffy, 2013). Men who kill their children are frequently portrayed by media as 'heroic' and 'caring' and their crimes portrayed as isolated incidents resulting from extreme stress such as financial problems or marital break-up (Jewkes, 2015; Niblock, 2018). Men are infrequently described as bad fathers even when they kill their entire families (Jewkes, 2015). In legal discourse, fathers who kill are likely to be considered 'bad' and 'normal' while mothers who kill are viewed as 'sad' and 'abnormal' (Wilczynski, 1997). Wider research into homicide/suicide cases, by

Websdale and Alvarez (1998), found that even when there was a history of domestic abuse by men who killed their partners, media rarely mentioned this.

Criminal baby farmers

Another group of child-killers sometimes framed as 'mad', 'bad' or 'sad' is baby farmers, who were predominantly women. 'Baby farming' has broad definitions, ranging from paid temporary care of another person's child through to the murder of unwanted infants for profit. The terms 'baby farmer' and 'baby farming' were coined by the *British Medical Journal* in 1867 and, while taking in unwanted children was not then illegal, the description was pejorative (Hinks, 2014). Nineteenth-century British media adopted the 'baby farmer' frame to describe those accused of murdering children for profit and from the late 1860s began to frame baby farmers using 'mad', 'bad' or 'victim' (sad) frames (Stuart-Bennett, 2019; Weare, 2013). In the 1889 case of Scottish baby farmer Jessie King, the media's framing of King changed throughout the case (Hinks, 2014). While initially framed as 'bad' having an "object of greed and gain … particularly base and cowardly," once convicted, King was described as having "defects of a mental nature" (Hinks, 2014, p. 568).

Media's ability to influence potential jurors

In most Western nations, including the USA, Canada, Australia and New Zealand, a person accused of a crime has the right to be tried by a jury of their peers (Turner, 2003). Jurors must be impartial and base their verdict on the evidence presented in court (Wright & Ross, 1997). The right to a fair trial, however, may conflict with press freedom, as media coverage has the capacity to influence potential jurors (Dubnoff, 1977; Wright & Ross, 1997). A significant amount of research indicates news coverage may influence jury members (Chesterman, Chan & Hampton, 2001; Dubnoff, 1977; Early, 2011; Fulero, 2002). Some research has found that jurors were more likely to have a negative view of an accused if they had seen publicity about the case (Fulero, 2002; Staggs & Landreville, 2017). The belief of judges that pre-trial publicity may potentially influence juries is evidenced by numerous cases where proceedings have been moved or abandoned entirely. One example is the cancellation of a second murder trial for British doctor Harold Shipman due to intense publicity after a guilty verdict at his first trial for murdering 15 of his elderly patients (Shipman victims need inquiry, 2000).

Information does not need to be overtly prejudicial to have the potential to influence audiences. According to Wegner, Wenzlaff, Kerker and Beattie (1981):

> When damaging personal information is disguised in hints, presuppositions, questions, qualifications, and other indirect but legal forms of reporting, its influence emerges nonetheless, p 822.

Media innuendo has been shown to have a profound influence on audience opinion (Wegner, 1984). Research which assessed the impact of innuendo in media headlines found that readers' impressions were significantly affected by negative innuendo (Wegner et al., 1981). Innuendo may be a statement combined with a qualifier (Mr. X accused of being a crook, but there is no proof), a simple statement of denial (Mr. X is not a crook), or a question (Is Mr. X a crook?). Kervyn, Bersieker and Fiske (2012) suggest that even if only positive information is provided people will infer the negative. For example, someone described as hardworking might be inferred to be no fun to be around.

Earlier research into 'mad', 'bad' and 'sad' framing has predominantly analyzed the media's employment of these frames based on the gender of the killer (Barnett, 2005: Barnett; 2016; Collins; 2016; Easteal et al., 2015; Weare, 2013) and little has explored historical employment of these frames. None of the earlier research has examined the use of 'mad', 'bad' and 'sad' framing in New Zealand, which has a long history of a highly literate population and a high level of media freedom. Examining the employment of 'mad', 'bad' and 'sad' frames in 60 years of colonial New Zealand newspaper coverage of multiple-child murder cases helped uncover what words and phrases were commonly chosen to portray an accused person. Can the patterns of language deployment observable in these cases be usefully categorized into 'mad', 'bad' or 'sad' framing, or is this framing too simplistic? Did these frames change over time? Can these frames be revised or extended beyond the previous categories? Analysis of the words, phrasing and framing choices made by newspapers examined in this research helped to answer these questions. Understanding the historical context and application of 'mad', 'bad' and 'sad' framing, in an era when crime reporting had fewer legal restrictions, challenges modern concepts of journalistic objectivity in news reporting by examining words and phrases which may have had, and may still have, the potential to be prejudicial, and to influence potential jurors.

Methodology

This research analyzed the language choices and the frames deployed by media in newspaper reporting in New Zealand during a time when there were fewer legal restrictions on what information could be published before, or during, a criminal trial. The 17 cases examined in this research represented all instances between 1870 and 1930 reported in newspapers in which murder charges were laid in New Zealand over multiple-child homicides. The 60-year timeframe was chosen because it covers a period when journalistic crime reporting style was observed in most Western nations to transition from sentimental and emotionally descriptive to a more objective style (Stabile, 2006). Victorian newspapers collected and represented information, rather than interpreted it, and as such, court proceedings were presented as verbatim reports (Matheson, 2000). With the fin-de-siecle development of New Journalism and yellow journalism, a post-World War I rise in objectivity and the adoption of inverted pyramid story format (Matheson, 2000), sensationalist human interest stories and crime news became more prevalent (Shoop-Worrall, 2019). Despite New Zealand's isolation, media adopted changing reporting styles through exposure to international news. Analyzing news coverage during this period of transition made it possible to examine whether the media's employment of language and frames for child killers also evolved.

Newspapers for this research were sourced through the New Zealand National Library's online searchable newspaper database *Papers Past*, which holds digitized copies of around 150 New Zealand newspapers. The 17 identified cases included: those in which the charges were dropped before trial; those which went to trial and 'not guilty' or 'not guilty by reason of insanity' verdicts resulted; and those in which a guilty verdict resulted and the killer was imprisoned or executed. The cases included both familial and non-familial killings. The primary source for each homicide case was original news reports from two newspapers: one a local newspaper closest to location of the crime, and the other a metropolitan newspaper. As proximity of an event is a key news value (Galtung & Ruge, 1965), greater and more thorough level of coverage of a case might be expected to appear in the nearer newspapers (Gilchrist, 2010). In nine of the cases, as the crime occurred in a location with no local newspaper, coverage from two competing metropolitan newspapers from the nearest town or city was examined. In the remaining eight cases, local and metropolitan newspaper coverage was compared. A qualitative discourse analysis was conducted on the 872 news stories published about the cases to identify descriptors used for the murder accused. To capture all

the journalistic frames and take into account changing newswriting styles during the 60-year period of the study, the entirety of the stories was examined to identify words and phrases selected and employed by the reporters. During that era, court stories were verbatim reports of court proceedings, however, also usually included a summarization of the case and description of the accused. It was these summaries and descriptive words and phrases which were analyzed as the words were chosen by the journalist, not presented as a verbatim transcript of proceedings. The news articles were analyzed for published instances of words synonymous with ‘mad’, ‘bad’ and ‘sad’, and for phrases analogous to those frames.

Of the 17 cases examined, the majority (71%) labelled the murder accused as ‘mad’, however more than half of these (58%) included additional ‘sad’ and/or ‘bad’ frames. None were framed solely as ‘sad’ and only two were labelled solely as ‘bad’. In three cases the newspapers used no obvious frames for the accused murderers.

Findings

Table 14: Summary of findings, mad, bad and sad framing

Name	Year	Plea	Sex	No. of child victims	Parent	Verdict	Frame
Caroline Witting	1872	Not guilty	F	3	Yes	Guilty	Mad and Sad
Margaret Walls	1875	Not guilty (insane)	F	2	Yes	Not guilty (insane)	Mad and Bad
Ann Roil	1884	Not guilty (insane)	F	2	Yes	Not guilty (insane)	Mad
Rowland Edwards	1884	Not guilty (insane)	M	4	Yes	Guilty	Mad and Bad
Duncan Munro	1892	Not guilty (insane)	M	3	Yes	Not guilty (insane)	Mad, Bad and Sad
Minnie Dean	1895	Not guilty	F	3	No	Guilty	Bad
Charles & Elizabeth Tyson	1898	Not guilty	M, F	2	Yes	Charges withdrawn (lack of evidence)	No obvious frame
Arthur Wolfe	1899	Not guilty (insane)	M	2	Yes	Not guilty (insane)	Mad and Sad
Jessie Minns	1901	Not guilty	F	3	No	Charges withdrawn lack of evidence	No obvious frame
Mary Ann Reid	1915	Not guilty (insane)	F	2	Yes	Not guilty	No obvious frame
John Higgins	1923	Not guilty (insane)	M	2	No	Guilty	Mad and Bad
Daniel Cooper	1923	Not guilty	M	3	No	Guilty	Bad
Ellen Hart	1925	Not guilty (insane)	F	3	Yes	Not guilty (insane)	Mad and Bad
Septimus Page	1926	Not guilty (insane)	M	2	Yes	Not guilty (insane)	Mad
Dorothy Perrin	1926	Not guilty (insane)	F	4	Yes	Charges withdrawn (insane)	Mad
Tryphena Rae	1927	Not guilty (insane)	F	4	Yes	Not guilty (insane)	Mad
Anne Cubis	1929	Not guilty (insane)	F	2	Yes	Charges withdrawn (insane)	Mad

Demented parents

In five of the 17 cases the journalists employed solely ‘mad’ frames and language in their case summarizations throughout the coverage of the crime. All five of the cases involved parents, one father and four mothers, who killed their own children. In some cases the media also employed frames describing their previous good parenting. The selection of language and phrasing framed each of the killers as insane, even if there was evidence presented in judicial hearings that other factors may have been involved.

Septimus Page, who in 1926 killed his twin son and daughter by cutting their throats before attempting to kill himself, was framed by both the *New Zealand Herald* and *Auckland Star* as insane. The *Auckland Star* employed the words “crazed” and “frenzied”; and said he was “feeling unwell with pains in the head”. Similarly, the *New Zealand Herald* used the phrases “inexplicable impulse”; and “had a bad head and felt queer”. Page was found not guilty by reason of insanity.

In the 1927 case of Tryphena Rae, who shot and killed all four of her children before shooting herself, both the *Otago Daily Times* and *Evening Star* newspapers employed the phrase “demented mother”. Rae was found not guilty by reason of insanity.

In the 1884 case of Anne Roil, who drowned two of her children, the *Press* newspaper stated she was “obviously deranged” and had complained of “pains in her head”, while the *Star* reported she was in hospital, “her mental condition being doubtful”. The *Press* stated Roil’s “manner was such to lead to the belief that insanity, which in her family appears to be hereditary, had developed a murderous impulse to make away with her children”. The *Star*’s coverage of the trial noted: “It may be mentioned that there is insanity in the woman's family”. Roil was found not guilty by reason of insanity.

In the 1923 case of Dorothy Perrin, who drowned her four children, both the local *Evening Post* newspaper and the national, weekly tabloid the *New Zealand Truth* described Perrin as “demented”. The *Evening Post* said the crime was a “demented mother’s act”, she had “not been in good health for some time”; and overtly said: “it is stated she said she drowned them to save them from someone who intended to harm them”. Following the inquest, the *Evening Post* ceased any overt use of frames, possibly to avoid influencing a potential jury which

would been drawn from the area in which the newspaper circulated. In contrast, following the inquest, the *New Zealand Truth* continued to use 'mad' language and phrasing, stating Perrin was; "in a state of mind when surely the thread of sanity must have snapped"; and explicitly predicted she "would be proved insane". The murder charges against Perrin were withdrawn as she was not sane enough to face a trail.

Annie Cubis, who in 1929 strangled her four-year-old twin sons, was framed as 'mad' by both the *New Zealand Herald* and the *Auckland Star,* but the latter newspaper employed more subtle language stating she had been in "poor health" and had "previous ill-health". The *New Zealand Herald,* possibly due to having an earlier deadline than the *Auckland Star*, was unable to report the case until the following day, employed more overt language. It said she was a "demented mother" and was "seriously disturbed" and predicted she "would probably be sent to the mental hospital". The murder charges against Cubis were withdrawn as she was not sane enough to face a trail.

The repetition of language and framing synonymous with 'mad' to describe the perpetrators of five similar crimes over a 44-year period from 1884 to 1929 shows the journalists used cultural and cognitive constructs to make sense of the apparently inexplicable actions of the killers (Barnett, 2016; Goffman, 1974). While the linguistic choices differed between 1884 and 1929, all the words and phrasing suggested the killers were insane. The reference to insanity in Roil's family aligned with a growing belief in the late 1800s that mental illness was hereditary (Dowbiggin, 1991). Journalists were able to draw on discussions around hereditary insanity to explain Roil's actions. Similarly, the use of the phrase "pains in the head" in both the Page and Roil cases, also points to journalists' use of particular cultural constructs. The phrase was closely associated with diagnosis of mental illness in the 1800s (Esquirol, 1845) and its use by journalists alluded to insanity, rather than, as we might interpret today, a headache or migraine.

In three of the cases, alongside the employment of language and framing synonymous with 'mad', the killers were described as good parents; however, closely aligned with the patterns previously observed by Jewkes (2015), the media emphasis on being a good parent was much greater for the male killer. The *Auckland Star* reported that Page was "well-respected" and "passionately fond of his children". The *New Zealand Herald* said Page was an "industrious farmer"; a "devoted father" and had "no business or household worries". This final phrase

diverges from the recurring themes of paternal filicide being motivated by outside stresses observed by Jewkes (2015) and Niblock (2018) in modern news reports of such murders. But perhaps more notable is that the father's madness is reinforced by the incomprehensibility of his action in the light of his previously excellent fatherly character. Such exemplary parent frames were less evident for the female killers in two of the cases, only obliquely referred to in one and entirely absent in the other. Rae was briefly referred to as "devoted to her children" in the *Otago Daily Times*. In the Cubis case neither newspaper singled her out for her motherly love and instead referred to her and her husband as a singular parental unit. The *Auckland Star* stated Cubis and her husband were a "devoted couple" who "worshipped their children", and the *New Zealand Herald*, referred to the couple's love for the children who were "always well cared for". However, both newspapers referred to the fact that Cubis had finished all her housework before the murders, which reinforced the image of a good mother who must therefore have been insane to kill her children. The framing in the Rae and Cubis cases is consistent with observations of news coverage of modern murders that some mothers who are framed as 'mad' may also be portrayed as good mothers (Meyer et al., 2001). The horrific act of a mother killing her own children is rendered explicable by insanity. In the Roil case, while witnesses at the trial testified that she was a good mother who worked hard for her children, neither newspaper stated this in their summarizations of the case. This portrayed Roil as simply 'mad' and less worthy of sympathy as she was not a good mother.

Certain information and evidence was excluded from the journalists' case summarizations in two of the other cases. In the Page case the maid claimed that he had attempted to rape her; however, this was not mentioned in the summarizations. It is possible that neither paper believed the maid's story and thus did not repeat it except in reporting her verbatim evidence in court. It is also possible that the maid's evidence deviated from the frame that the newspapers had previously deployed of a 'loving husband and devoted father who had lost his sanity', so they excluded it from the summarizations. In the Rae case, inquest evidence demonstrated that Rae's murders were motivated by long-term domestic abuse. While it is possible that neither newspaper had this information before the inquest, even once it became available it was not included as a secondary 'sad' or 'victim' frame. This is consistent with observations of modern reporting described by Easteal et al. (2015) that media may choose to downplay or ignore information which could provide additional frames. A single frame also makes the subtext of the crime simpler for readers to understand, while a dual frame makes it more complex.

Insane but sympathetic parents

Dual frames of 'mad' and 'sad' were deployed in two of the 17 cases, in contrast to Easteal et al.'s (2015) observation. The coverage included information and/or evidence that provided two possible explanations for the crime, similar to the dual 'mad' and 'sad' frame described by Jewkes (2015). These two frames were, however, inconsistently applied by the two newspapers examined. In both cases death sentences were imposed but were commuted to life in prison due to questions over sanity.

In the 1872 case of Caroline Witting, who was found guilty of drowning three of her children, the newspaper closest in proximity to the crime, the *Southland Times,* employed 'mad' and 'sad' frames equally, while, the more distant *Otago Daily Times* used only 'mad' frames. In its first two stories about the Witting case, the *Otago Daily Times,* stated overtly that she was "believed to be insane", and "appeared to have lost her reason". Its subsequent stories on the case contained no obvious frames. The *Southland Times* used more subtle language synonymous with 'mad', describing her as "totally indifferent to all that was taking place", and being in an "indifferent condition". The *Southland Times* employed 'sad' frames describing Witting as the "wretched woman", and, indicative of local knowledge, reported rumors that the murders were motivated by domestic abuse - "the woman had been very unkindly treated by her husband". Following the imposition of the death sentence the *Southland Times* published an editorial seeking commutation of the penalty stating that at the time of the murders Witting was "in such a state of mind as to render it exceedingly doubtful as to whether she was able to fully comprehend the character of the act she was committing" and also emphasized that she had been "shamefully neglected and cruelly ill-treated" by her husband.

Similarly, in the 1899 case of Arthur Wolfe, who shot and killed two of his children before attempting suicide, the *Evening Post* employed both 'mad' and 'sad' frames, while the *New Zealand Times* predominantly used 'mad' frames. The *Evening Post* described Wolfe as having "acted in a fit of temporary insanity", while the *New Zealand Times* was more robust in its 'mad' framing stating Wolfe was "completely demented". The *Evening Post* employed a 'sad' frame indicating Wolfe was a victim of stress - "his financial circumstances are not very satisfactory and this may have temporarily unhinged his mind". The *Evening Post's*

framing aligns with research that identified similar patterns of offering external stress as the motive for paternal filicide in modern reporting (Jewkes, 2015; Niblock 2018). Following the insanity verdict in the Wolfe case, the *New Zealand Times* published an editorial describing Wolfe as the "unfortunate man" and stated; "Wolfe has long occupied the dangerous borderland between sanity and insanity, where moral irresponsibility has set in although legal responsibility endures". The *Evening Post* simply reported that Wolfe had "received his sentence with apparent calmness and was then removed from the dock".

On the face of the results the framing fits into the classic 'mad' and 'sad' taxonomy, however; in the Witting case it is apparent from the different use of frames in the two newspapers that the more proximal newspaper had more sympathetic coverage. In addition to 'mad' framing, the *Southland Times*, with its 'inside' knowledge of Witting's violent relationship, also employed 'sad' framing. The *Otago Daily Times*, without the benefit of this inside local knowledge, was left with only the 'mad' frame to explain Witting's actions to its readers. In the Wolfe case, both newspapers employed language and phrasing that framed Wolfe as insane; however, only the *Evening Post* offered the explanation that this was brought about by stress, possibly as it had inside knowledge of his financial situation.

Evil baby farmers

Despite an almost 30-year gap between two cases involving the murders of children by baby farmers, the patterns show similar language choices and phrasing, framing both killers almost exclusively as 'bad'. These killers were Minnie Dean in 1895 and Daniel Cooper in 1923, each hanged for murder after police found three babies' bodies buried in each of their gardens. In both cases charges laid against their spouses did not result in convictions. Language and phrasing synonymous with 'bad' were almost exclusively used in three of the newspapers examined, but in the fourth no obvious frames were evident until after the killer was found guilty. In these two cases the media did more than just employ emotive words; they also painted colorful and sensational pictures of the killers. Prior to the Dean case, New Zealand newspapers had reported several international baby farmer trials. In addition, the horrors of baby farming had been much discussed in New Zealand media in the early 1890s, arguably to the point of a moral panic similar to that observed in Britain and Australia (Cossins, 2015; Homrighaus, 2001), which could be harnessed in the Dean case coverage.

In the Dean case the *Otago Daily Times* and the more proximal *Mataura Ensign* both employed 'bad' frames to describe her; however, interestingly, the nearer newspaper used this frame more sparingly. The *Mataura Ensign* referred to her being under police surveillance and stated she had been fined for failing to register her house as a childcare home. The *Otago Daily Times* said Dean had neglected children before; was under police surveillance; and reported rumors that "the people of Winton long had suspicions" about her. Similarly, in the Cooper case the *New Zealand Truth*, a weekly, national, tabloid newspaper, reported rumors: "it is not possible yet to contradict assertions made that the accused … were engaged in the horrible practice of baby-farming akin to that carried on by Minnie Dean at Winton". In an editorial prior to the Cooper trial the *Truth* colorfully outlined that: "Cooper and his wife in their dark lonely home at Newlands, surrounded by trees and well back from the road, conducted a systematic practice of doing away with infants and collecting premiums in the pretext of having the babies adopted."

The *Otago Daily Times* employed language and phrasing that paradoxically undermined Dean's femininity referring to her explicitly and unnecessarily as "the woman Dean" instead of the more usual Mrs. Dean, and stating that she "gives her age as 48 but looks older". The newspaper also implied a lack of motherliness, stating her house was a "wretched hovel" whose inhabitants "had little or no regard for cleanliness". In somewhat corresponding fashion, the *Truth* implied Cooper's lack of manliness by describing him as "a short, slight man with a small face on which he has always borne a worried look". In another editorial the *Truth* stated that "Cooper was apparently a polygamist", and in another described him as "out Heroding Herod" referring to the biblical massacre of the innocents – thus emphasizing his immorality.

In the Cooper case, the *Evening Post*, which circulated in the city in which the trial was held, employed no obvious frames in its reporting of Cooper's arrest and trial, possibly as it did not want to influence potential jurors.

A shift in frames from 'bad' to 'mad' followed the 1889 conviction of Scottish baby farmer Jessie King (Hinks, 2014); however, in the Dean and Cooper cases the use of 'bad' phrasing and language intensified following their guilty verdicts. The *Otago Daily Times* wrote that Dean had acted "in cold blood and from purely mercenary motives". The *Mataura Ensign* pointed to Dean's evil nature, observing "It has been remarked by someone that the devil has

a limp, and always leaves an ugly trail behind him. In this case much care had been used by the murderess to conceal the traces of her crime, but without avail." The newspaper went on to describe her as "this wretch - whom we can hardly speak of as a woman". Similarly, in the Cooper case, the *Evening Post,* possibly no longer needing to be careful about influencing the jury, stated Cooper had been "conducting one of the worst and most hideous forms of baby-farming and conducting it for the most sordid of reasons… [he was] guilty of a particularly cold-blooded crime". The *Truth* followed Cooper's conviction with an editorial in which it stated, "that Cooper is bad is the general opinion throughout the country and not a single hand has been raised in his favor". Unlike the King case in Scotland, there was no evidence that either Cooper or Dean were insane so insanity could not be drawn upon to explain their actions.

Reference to Dean in reporting of Cooper indicates the media may have identified the close similarities in the cases and had drawn upon their knowledge of the earlier case to construct the frame of Cooper. A 'bad' frame in both cases was largely pre-determined and inescapable due to the pre-existing climate of horror around baby farming.

Insane and evil

Four of the 17 cases involved a mixture of both 'mad' and 'bad' frames, language and phrasing. Earlier research has indicated that most offenders are framed as either 'mad' or 'bad' (Easteal et al., 2015); however, in these four cases the media employed both. In all of these cases the killer had a bad reputation prior to the murders, to which the newspapers referred.

The 1875 case of Margaret Walls, who was found not guilty by reason of insanity of the murders of her six-year-old daughter and seven-year-old son with an ax, focused on her madness, but also framed her as 'bad' by stating insanity was brought about by alcohol abuse. The newspaper nearest to the crime the *Thames Advertiser*, alluded to Walls' insanity saying she had acted in a "frenzy", "did not appear to realize her position in the least", and in a mix of innuendo and 'mad' and 'bad' frames said she did not "appear in the slightest degree insane, except in one particular … she seems to experience no regret for the deed she perpetrated". The 'bad' frame phrasing included that she was "addicted to drink" and had "wreaked her wrath on her poor children". The *New Zealand Herald's* initial reporting

contained fewer frames and more even-handed employment of ‘mad’ and ‘bad’; “apparently in a state of unconcern” (‘mad’), Walls had “taken to drink lately” (‘bad’). In its second story the *Thames Advertiser* reported rumor stating “it seems to be generally believed that there is only one cause – that of insanity” and stated Walls “exhibited unmistakable symptoms of insanity” and had a “diseased brain”; however it also continued the ‘bad’ frame by again stating drink “caused her insanity”. The employment of a ‘bad’ frame for maternal filicide is consistent with observations by Wilczynski (1997) that women who have previously acted contrary to societal expectations of motherhood by abusing alcohol are framed in this manner. Following the story which reported the rumors about Walls’ insanity the *Thames Advertiser* reduced its employment of ‘bad’ framing but continued with “sad’ framing which indicates the journalist may possibly have been influenced by these tales. The more distant *New Zealand Herald*, perhaps without the benefit of such local gossip, dropped the use of obvious frames in later stories.

The 1884 case of Rowland Edwards, who murdered his wife and four children by beating them and cutting their throats before attempting suicide, was also blamed on alcohol-induced insanity. The *Hawke’s Bay Herald,* which sent a reporter to the scene, predominantly and overtly framed Edwards using language and phrases synonymous with ‘mad’, including: Edwards at times “acted as no-one but a maniac could act” and “his neighbors usually regarded him as deranged”; and, in a mix of ‘mad’ and ‘bad’, “dangerously insane”. ‘Bad’ framing included; “especially to be feared when on a drinking bout”, and he had “adopted his fiendish method of killing … with only too devilish an ingenuity”. Damningly, the paper reported Edwards “has before made an attempt to destroy his family”. In contrast, the *Daily Telegraph*’s initial report mentioned a previous arrest for lunacy (‘mad’), and said he was under the influence of drink at the time (‘bad’). The *Daily Telegraph* continued with predominantly ‘bad’ frames, including an editorial which suggested he was feigning insanity: “The man has confessed his crime and the ‘statement’ is of course with a view to a plea of insanity … but Edwards’ insanity took the form of being very careful of his own life”. There is a noticeable lack of any normalization of Edwards’ actions or portrayal of him as a caring father. It is possible that Edwards’ previous bad character, his abuse of alcohol, insanity and earlier attempt at killing his family, disqualified him from sympathetic framing. The analysis of the language and the frames suggests that the *Hawke’s Bay Herald* was of the opinion that Edwards was dangerously insane, while the *Daily Telegraph* was of the opinion he was merely fabricating insanity.

John Higgins, who in 1923 shot and killed two children in a school, was also framed as both 'mad' and 'bad'. In this case the employment of language and framing synonymous with 'bad' related to Higgins' apparent lack of insane behavior and to rumors he wanted revenge over being fined for failing to send his children to school. The use of 'mad' and 'bad' frames in both the nearer *Waihi Daily Telegraph* and the more distant *New Zealand Herald* were often employed in the same story. The *Waihi Daily Telegraph* used 'mad' framing to describe Higgins – "maniac", "not normal", and "must have been crazy"; and 'bad' – "set out to deliberately commit crime", "rational" and "resentful". Similarly, the *New Zealand Herald* employed both 'mad' words and phrasing – "maniac in a school", "condition not normal", and 'bad' ones – "rational and apparently in his normal condition". Following the guilty verdict and the imposition of the death penalty, the *Waihi Daily Telegraph* stated there had been "considerable controversy as to the mental condition of the murderer". When Higgins' death sentence was commuted, neither newspaper applauded nor criticized the decision. Higgins had murdered two children who were not his own and the crime had elicited widespread shock and public condemnation. While evidence had been adduced to show that Higgins had been under financial strain this was not referred to in the journalists' summarizations unlike patterns observed in framing of men who killed their own children (Jewkes, 2015; Niblock, 2018). The lack of response to the guilty verdict and the commutation of the death sentence indicates that both newspapers may have felt that the crime was so horrible that punishment was deserved even if Higgins was insane.

In contrast, the 1925 case of Ellen Hart, who slashed the throats of her three children and then attempted suicide, was treated slightly differently by the two newspapers. The *Evening Star* described her as a "demented mother" and "quite insane", while the *Otago Daily Times,* less sympathetically, referred to Hart's madness as temporary – stating she was "recovering from her demented state". In the initial coverage both newspapers also emphasized that Hart's own wounds were of a "trifling nature", implying that she had merely feigned her own suicide attempt and was thus 'bad'. In further coverage the *Otago Daily Times* overtly stated that Hart had "murdered her three young children" while the *Evening Star* chose the more subtle descriptor, "principal in the distressing tragedy". In their reports of the trial, both newspapers almost ceased using any 'mad' or 'bad' framing. The only exception was a question by the *Evening Star* at the beginning of her trial asking, "was Mrs. Hart sane?" It is possible this was not intended as innuendo as this was the question the jury needed to determine, but, given the

employment of other bad frames, it could equally have been a subtle 'bad' frame. The *Evening Star* also described Hart in court as a "pitiful sight". Both newspapers reported the insanity verdict without any emotive language. The newspapers' different framing in reporting the case may have been influenced by a lack of background information about her as she was new to the area, thus leaving them with little on which to form an opinion. This indeterminacy may have resulted in them employing both 'mad' and 'bad' frames in their initial reports. Once it became clear that the Crown disputed her insanity defense, the newspapers mostly ceased to employ either frame. The *Otago Daily Times*, which had earlier been more critical of Hart, reported just the evidence, while the *Evening Star*, whose reports had been more sympathetic, focused instead on her pitiful demeanor, while still possibly offering a subtle cue that she might, in fact, be sane.

In the Walls and Hart cases three of newspapers referred to the women's motherly natures. The *Thames Advertiser* stated that Walls was "passionately fond of her children" and in providing an explanation for Walls' deviation from society's expectations of motherhood stated her "motherly affection seems to have been blotted out by the upsetting of her reason". In the Hart case the *Evening Star* referred to Hart's love of her children, while the *Otago Daily Times* stated, "her interests lay solely in her three little children".

'Mad', 'bad' and 'sad'

Of the 17 cases, in only one, the 1892 case of Duncan Munro, who was found not guilty by reason of insanity of killing his wife and three of his four children with a metal flat iron, did newspapers employ language and phrasing characteristic of all three 'mad', 'bad' and 'sad' frames, but used 'mad' most often. Prior to the murders, Munro had been committed to an asylum after he was diagnosed with religious mania brought about by epilepsy. He was removed from the asylum by his mother and brother, who promised to care for him, but failed to do so. After his release Munro had exhibited strange behavior, had attempted to kill his children, and had to be locked in a bedroom at night to protect his family. Thus, Munro was 'mad' due to his insanity, 'bad' as he was dangerous and had tried to kill his children before, and 'sad' because his family had extracted him from the asylum and not looked after him.

The local *Bay of Plenty Times* newspaper employed 'mad' frames stating Munro suffered from "religious mania" and was a "dangerous lunatic"; used 'sad' frames including "unhappy

man", and reported "his family did not return him to the hospital" when they should have; and 'bad' frames, stating he was of "dangerous" nature, and had to be locked in a room to protect his family. The more distant *Auckland Star,* which had a correspondent in the town, stated Munro was a "madman", and for the past few days was "not accountable for his actions, … suffering from religious mania". The *Auckland Star* employed a greater number of 'sad' frames than the local newspaper. These included "poor Munro", "more to be pitied than blamed for his share in the tragedy", and "should never have been let out of the asylum". The *Auckland Star* also described his 'good father' role - "of an affectionate nature and devotedly attached to his children". It is of note that in this case the newspaper that was more proximal to the case was less sympathetic than the more distant paper. It is possible that, being part of the community that had already established fears about Munro's insane and dangerous behaviors, the *Bay of Plenty Times* was more inclined to deploy the additional 'bad' frame.

(Un)Worthy of sympathy

Of the 17 cases, none contained exclusively 'sad' framing in editorial comment on the case. This is significant as it calls into question the previously applied categories in cases of child murder. The analysis shows that whenever a 'sad' frame is employed, it is accompanied by either a 'mad' or 'bad' frame to provide additional explanation for the murders. It appears that being 'sad' is considered an insufficient motive for child murder and further reason must be provided.

A question of doubt

Departing from the 'mad', 'bad' and 'sad' taxonomy, three of the 17 cases defy simple categorization under the frames. These cases resembled each other in that they were the only three in which the charges were withdrawn due to a lack of evidence, or a not guilty verdict was returned (as opposed to not guilty by reason of insanity). It was not possible for the media to have known the outcomes of the judicial process, yet they chose not to offer any obvious frames for the accused murderer which could provide explanation for the crimes. Instead, in two of the cases frames were applied to the crimes themselves, and in one framing was applied to the evidence.

In the 1915 case of Mary Ann Reid, who was acquitted of the strangulation murder of her newborn twins, the *Star* newspaper appeared to question whether a crime had been committed at all stating in its headline "Is it murder?" While this headline could be argued to employ innuendo to inextricably connect the accused with the concept of murder, the newspaper employed no other 'bad' frames, which suggests it was more likely raising the explicit question over whether the babies were born dead; if they had been, this would exempt Reid from murder charges. Reid had been abandoned by her husband and was raising their four children on her own when she became pregnant. The only words employed to describe Reid in both the *Star* and the *Press* newspapers were "young woman" and "young married woman" despite her being 30 years of age. Neither paper employed any 'sad' frames to describe her abandonment by her husband despite being aware of this.

In the 1898 case of Charles and Elizabeth Tyson, charged with the murder by poison of their three-month-old twin sons, the *Daily Telegraph* newspaper framed the crimes as "peculiar" deaths and the *Hastings Standard* described the case as being "surrounded in mystery". In addition, despite the Tysons being well-known in the community (according to both newspapers) neither paper reported any background information about them. A postmortem found injuries consistent with poison in one child and the case hinged on whether or not poison could be detected. When no trace of poison was found, the murder charges against the Tysons were dropped and both newspapers congratulated the couple. Although at this time the full analyst's report had not been received, meaning other damning evidence may still have been revealed, the *Daily Telegraph* stated the "innocence of the accused is practically proved", and the pair had been "subjected to a shocking ordeal upon grounds now know to be baseless". The newspaper went on to state: "Other circumstances which helped to make the case look suspicious have been satisfactorily explained, and the young couple will now return to their position in society". Similarly, the *Hastings Standard* wrote: "the evidence and that verdict clearly absolve Mr. and Mrs. Tyson (a matter for sincere congratulation)"; and "as far as Mr. and Mrs. Tyson are concerned there seems to have been absolutely nothing against them."

There are two mutually exclusive suppositions that might be drawn from lack of obvious 'mad', 'bad' or 'sad' framing of the Tysons. The first is innocence - the newspapers may have believed the Tysons were innocent and thus no obvious frames needed be employed to make sense of their actions, nor did they want to risk influencing a jury. Secondly, it is

possible the newspapers had no opinion over the Tysons' guilt or innocence and thus could not place them into 'mad', 'bad' or 'sad' frames.

Another case that evades orthodox framing is the 1901 case of Jessie Minns, who was charged with the murder of her employer's three children after she claimed, at the inquest, to have started the fire in which they died. Initially no obvious frames were employed in the reporting; however, following Minns' fantastical testimony (of being forced to light the fire by a mysterious gang of men), newspapers applied frames to her evidence that appeared to question its veracity. The *New Zealand Herald* wrote that Minns' story "reads like a penny shocker" while the *Auckland Star* questioned whether she was "telling the truth or was a victim of extraordinary delusion". Once Minns retracted the evidence the newspapers appeared from their coverage to express indignation that they might have been hoodwinked and proceeded to emphasize her untruthfulness: she "sought her inspiration at the fountain head of a dime novelette", stated the *Auckland Star*, and the evidence that "provided newspapers with such sensational copy was merely the creation of some imaginative penny-a-liner, whose story so imprinted itself on the memory of the impressionable Jessie". Similarly, the *New Zealand Herald* noted that the "sensational evidence which has been the topic of the town during the past week" was "entirely fictitious". The lack of 'mad', 'bad' and 'sad' framing and linguistic choices appears to indicate that neither of the newspapers had formed an opinion as to the guilt or innocence of Minns. Her story was so fantastical that, instead of framing Minns herself, her account and her truthfulness became the focus of the reporting.

The executions

A surprising pattern emerges from the frames and language used in reporting the executions of those condemned to death. No matter what frames were built for the murderers by the newspapers prior to the executions, when the hanging was reported these frames were almost completely absent. Instead, the newspapers replaced the frames with praise of the individual's bravery in the face of death.

Conclusion

The cases examined in this chapter show that the language and phrases employed to frame a person accused of multiple-child murder were consistent with the 'mad', 'bad' and 'sad' taxonomy, but additionally it found few had a single frame, instead the media used a combination of two or even all three. For 12 of the accused people the media reports implied or outright stated insanity, but, the journalists also applied 'sad' or 'bad' frames for seven of the 'mad' killers. None of the 17 cases examined had 'sad' as a sole frame; instead, whenever a 'sad' frame was employed, it was accompanied by either a 'mad' or 'bad' frame. The sole frame appears not to sufficiently explain the complexities of the crime in some cases, so the newspapers add an additional frame to create a more nuanced frame and explanation. These findings problematize the distinctness of the previously applied categories, 'mad', 'bad' and 'sad'. It appears that being 'sad' was viewed an insufficient explanation in frames of child murder. Similarly, in some cases insanity or badness may not be enough to explain the killers' actions. Dual frames of 'mad' plus either 'sad' or 'bad' may apportion blame; portraying the killer as driven to insanity by victimization from some other party (mad and sad) or their own actions (mad and bad).

Conversely, in some cases, even when an additional frame is available, for example from details emerging from court proceedings, it is not employed. It is possible that the most obvious categorization of the killer is deemed by media to be enough to explain the reasons for the murder so other information is discounted. A single frame such as this is also simpler for readers to understand and thus removes the possibility for ambiguity. In some cases, this new information came to light after the initial frame was set, and the omission of information suggests that once a frame is built, the media is reluctant to include build a new frame or expand their existing depictions. The reluctance to add additional frames, evident in cases across the 60-year period of the study, shows that this pattern endured even through changes in journalistic style.

Another pattern which appears to have endured the shift in journalistic styles is that of drawing on earlier frames to portray a similar crime and killer in later cases. One obvious example is the repetition of the frame of the 1895 Minnie Dean case and the Daniel Cooper case 28 years later in 1923. In the Cooper case, even though the linguistic choices and phrasing differ from the earlier Dean case, the effect was the same: one-dimensional

portrayal of an evil baby farmer. Interestingly, the baby farmer cases not only shared similar frames, but the newspapers also employed exceptionally emotive and colorful language to paint the perpetrators of these crimes as particularly evil. The image of Cooper and his wife sitting in their dark and secluded cottage wickedly plotting the death of innocent babies for profit, and Dean's comparison to the devil with a limp conjure evil images from fairy tales and Bible stories.

This study also reveals the inadequacy of a simplistic tripartite taxonomy of 'mad', 'bad' and 'sad'. The absence of any obvious subtle cues or hints employed in three of the cases, particularly in the Tyson case, suggests that if the media does not have enough detail about a case to create a frame then no obvious frame will be applied. This is consistent with the Reid case, in which, until a medical examination confirmed the cause of death, there was insufficient evidence to determine if Reid was in fact responsible for their deaths, thus no obvious 'mad', 'bad' or 'sad' frames were applied. It is possible that the absence of an obvious frame may align with forensic journalism theory; however, these three stories lacked the focus on sensational crime scene illustration, as described by Websdale and Alvarez (1998). An absence of obvious frames may be the result of the media's belief in an accused person's innocence and thus extra care is taken not to risk influencing a potential jury via the language employed. Much of the influential and/or emotive language employed in these 17 cases was published before the accused person appeared for trial. It cannot be known now whether this language did, in fact, influence any of the jurors these cases. It also cannot be ascertained whether the language was employed consciously with the intent of affecting the outcome of the cases. What is evident from the analysis, is that the initial framing of the cases closely aligned with the judicial outcome in many instances.

This research shows that while mothers who killed were more likely to be framed solely as 'mad', consistent with earlier studies, there was a more even distribution of additional frames employed for mothers and fathers. One mother and one father were framed as both 'mad' and 'sad'; two mothers and one father were "mad' and 'bad'; and one father was 'mad', 'bad' and 'sad'. The consistent application of multiple frames to both mothers as well as fathers who kill illustrates that during this period New Zealand media did not seek to typify killers, in more nuanced cases, along gender lines.

This study indicates that media reporting at this time did not have a straightforward relationship to evidence presented in court, and also calls into question the notion of journalistic objectivity. Frames were often constructed quite independently of verified facts, on occasion omitting information and evidence that might have altered an already adopted frame. New Zealand journalists in this period seemed to have an equivocal view of their relationship to the judicial process – their reporting arguably suggests an awareness of their potential power to influence opinion, which at times they seemed to suppress and at other times they wielded with gusto, throwing every rhetorical tool at their disposal towards conveying the guilt of an accused individual.

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STATEMENT OF CONTRIBUTION
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5.5 Article three summary

What's in a name? A history of New Zealand's unique name suppression laws and their impact on press freedom.

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Article three takes a step back and looks at the shaping effects that New Zealand's suppression laws have had on media reporting practices and the media's ability to name and construct frames for those in court and crime news reports. This article provides an examination of the contemporaneous media landscape in relation to some of legal constraints which may have affected the way the multiple-child murder cases examined in articles one and two were written. In the period before 1905, the ability to suppress names and information from court news did not exist in legislation and the media were free to choose whose names would be published. From the turn of the twentieth century, mid-way through the period of the multiple-child killings examined for this research project, the spectre of suppression appeared and subsequently developed, and had the potential to affect media decisions around naming and frame building for accused persons.

This article addresses Research Question 3:

> How have New Zealand's suppression laws changed over the years since 1900 and how did they alter naming patterns of accused persons in stories about multiple-child murder up to 1930?

Little academic research has been devoted to the development of this legislation over time and to the impact it has had on media freedom in New Zealand and on journalists' ability to craft court and crime stories. Knowledge of the historical progression of the legislation has faded over time and in 2019 the author was contacted by news media to provide information for a feature news story based on the information in this research project (Gay, 2019).

This article examines historical and current New Zealand legislation, newspaper reports and transcripts of New Zealand Parliamentary Debates (*Hansard* transcripts) from 1905 till the

present day. Investigation of the evolution of New Zealand's name suppression legislation reveals a progressive and severe curtailment of press freedom, much of which has happened without the input of media organisations. Evidence from the *Hansard* transcripts and newspapers reveals a wilful antagonism towards media from some MPs over time, and the discounting of the media's role in the principle of open justice.

The media's role in reporting court proceedings is considered vital to the principle of open justice as it broadly informs the public of the operations of the justice system (Pearson & Graham, 2010). New Zealand has stringent laws to limit the media's ability to name those involved in criminal court proceedings, in contrast to some other democracies. These name suppression laws stand in opposition to the principle of open justice by preventing the media from identifying those people, meaning the public may not ever know who they were. This article examines the development of New Zealand's unique name suppression legislation.

Name suppression laws in New Zealand have developed haphazardly, both through legislative change and common law, over 115 years. Name suppression in the criminal courts began with the introduction of legislation in 1905 which used the rationale of protecting public morality to give the courts the power to suppress evidence in proceedings. Prior to 1905, media in New Zealand held sole discretion as to what information from criminal court proceedings was made public through news reporting. If judges wanted names to be kept out of the newspapers, they would ask the media not to publish them; they could not mandate non-publication. The ability of the courts to be able to suppress the identities of defendants appearing in the criminal courts was first introduced in the 1920 Probation Offenders Act, but only for first offenders eligible for parole. Today anyone involved in criminal proceedings in the courts, including defendants, victims and witnesses, can to apply to have their names kept from publication – either temporarily or permanently. The laws today also include a number of suppressions which prevent the naming of certain persons automatically, without them having to apply to a judge. At its introduction, name suppression was controversial and it continues to be controversial today.

This article looks at legal changes which could potentially have impacted what information was included, or excluded, from the news stories about multiple-child murders examined in this research project. This article looks forward past the end of the research period to examine how these changes might have affected later stories of this nature. It provides a useful

resource for future research into crime reporting in New Zealand, particularly into the naming and framing of those involved in criminal court proceedings.

5.6 Article three

What's in a name? A history of New Zealand's unique name suppression laws and their impact on press freedom

Abstract

The principle of open justice, including the media's right to attend and report on criminal courts, must be balanced with the protection of individuals' privacy and an accused person's fair trial rights. Prohibiting media from identifying those involved in criminal cases is one way privacy and fair trial rights may be protected in New Zealand. Court news was not always restricted in this way: 115 years ago all parts of criminal court proceedings could be reported and media decided what information was censored. In 1905, New Zealand judges were given the power to suppress court evidence to protect public morality, and 15 years later, the power to suppress the names of certain first offenders to give them a second chance. The laws now stretch to suppressing many kinds of evidence and the identities of some people accused and convicted of New Zealand's most serious crimes. Investigation of the 115-year-long evolution of New Zealand's name suppression laws illuminates a piecemeal, but severe, curtailment of media freedom and a trend of imposition of increasingly complex laws which journalists must keep abreast of, understand and observe to prevent appearing before the courts themselves.

Key words: name suppression, court reporting, crime news, press freedom, open justice

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Introduction

The principle of open justice, maintaining that justice should be transparent and open to the public, has been entrenched in British law for centuries (Davis, 2001; Pearson & Graham, 2010). New Zealand has firmly adopted the principle of open justice and, in most cases, allows media to be present and report in the criminal courts as public representatives (Buckingham, 2011; Patel, 2018). The media's role in court reporting is vital to the open justice principle by informing the public broadly about the operation of the judicial system (Pearson & Graham, 2010). The media's right to report on criminal court proceedings is supported by the New Zealand Bill of Rights Act 1990 (NZBORA) which stipulates that "everyone has the right to … seek, receive, and impart information and opinions of any kind in any form" (NZBORA, s 14). In criminal court cases, however, name suppression orders may prevent media from identifying some people. In New Zealand, name suppression is codified in legislation and either automatically applied or granted at judicial discretion. Name suppression has been controversial in New Zealand since it was introduced in the Offenders Probation Act 1920. Since then, academics, lawmakers and the judiciary have debated two broadly opposing interests involved with name suppression: individuals' rights versus the principles of open justice (Davis, 2001; Jones, 1995; Patel, 2018; Pearson & Graham, 2010). On one hand, naming the accused may encourage participation of further witnesses or victims (Davis, 2001; Pearson & Graham, 2010), be considered part of the punishment for offending, and deter reoffending (Jones, 1995). On the other hand, identifying the accused may damage reputations and/or cause distress and embarrassment (Pearson & Graham, 2010), and remove the presumption of innocence and thus destroy fair trial rights (Davis, 2001). Fair trial rights are also enshrined in NZBORA which states everyone has "the right to a fair and public hearing by an independent and impartial court" (NZBORA, s 25(a)). The words "fair" and "public" in section 25(a) aptly illustrate the conflict between the concepts of fair trial rights and the public's right to know. Despite the importance placed on open justice in New Zealand, the most recent Justice Ministry figures show that in 2018/19 permanent name suppression was granted to 315 people, of whom 56 percent (n=176) were convicted and 18 percent (n=56) were imprisoned (Ministry of Justice, 2020). The names of those 315 people will never be allowed to be published in relation to those crimes, even after they have died, unless a court rescinds suppression. New Zealand's more than 100-year journey to today's name suppression laws has steadily restricted press freedom in reporting on criminal courts. Little has been written about the controversy that has surrounded New Zealand's name

suppression journey, the exclusion of media representatives from Parliamentary discussion over the formulation of the relevant legislation, or the arguable erosion of press freedom.

New Zealand's suppression journey

New Zealand's first legislation allowing suppression of criminal court evidence aimed to protect public morality and followed public outrage over unsavoury details published in newspapers about a man who impregnated a 15-year-old employee and escaped prosecution after she died during childbirth ("A man's iniquity", 1905). The Criminal Code Amendment Bill 1905, as then Justice Minister James McGowan told the House, aimed to protect under 21-year-olds from exposure to morally corrupting information and prevent media reports "not of an edifying character" (McGowan, 1905, p. 238). Member of Parliament (MP) Charles Lewis had unsuccessfully argued for inclusion of name suppression in the bill, stating an acquitted person may be "damned for his lifetime because of what occurred" (Lewis, 1905, p. 239). It appears from the *Hansard* transcript that although judges were consulted over the bill, the media was not (McGowan, 1905). Certain quarters of the media expressed outrage. The *Lyttelton Times* presciently warned the legislation would be the "first step to establishing a Press censorship in New Zealand" ("The Criminal Code Amendment Bill", 1905). *Hansard* also showed some MPs disagreed with publication prohibitions, as newspapers generally complied with judicial requests not to publish details (McLean, 1905). However, the 1905 launch of the tabloid-style *New Zealand Truth* newspaper, noted for its "muck-raking" (Papers Past, 2020), may have hardened some MPs' opinions on media trustworthiness. MP John Jenkins described the newspaper as "one of the vilest productions that ever issued from the printing press" after it published evidence from an upcoming court case (Jenkins, 1905)[3]. The Act, enacted on August 30, 1905, allowed judges to clear the court (to protect public morality) of everyone except the prosecutor, defence lawyer, accused, and, in a late addition, the media, and also to order certain evidence be suppressed from publication (Criminal Code Amendment Act 1905, ss 3 & 4). Recurring themes were beginning to emerge in the progression of suppression legislation - wilful antagonism toward media expressed by some MPs, and discounting of media interests and their potential to be sound moral agents.

[3] Unfortunately, no 1905 copies of *Truth* exist in any library so we cannot read exactly what incensed Jenkins.

Prior to 1920, the media held the sole right to determine whose names were published in criminal court news. An informal agreement between most major newspapers stipulated that all accused persons would be named except for first offenders of drunkenness, children under 15 years in Juvenile Court, and debtors who successfully argued against imprisonment for unpaid debts ("A flaw in the law", 1920). This all changed when, at the request of probation officers seeking to give young, first offenders a second chance, Justice Minister Ernest Lee included provision in the Offenders Probation Bill 1920 giving judiciary the power to suppress names of first offenders eligible for probation (Lee, 1920). In response, one newspaper editor warned that suppressing names of offenders would, "arouse in the public mind such suspicions … that there is one law for the rich and another for the poor" ("Very inadvisable", 1920). The Offenders Probation Act 1920 passed on October 28 that year. Some newspaper editors were vociferously opposed to the legislation. One described the law as a "hush-hush policy" and warned that not naming "thieves and other lawbreakers" would "undoubtedly encourage crime" ("The "hush-hush" policy", 1920). The editor continued, "It is certainly time that the newspapers of the Dominion combined to protect their rights, which are gradually being filched from them" (ibid). One of the earliest name suppression applications, on November 24, 1920, involved a 16-year-old girl who stole a wristwatch ("The courts today", 1920). The magistrate declined name suppression saying he would instead just request that newspapers not name her (ibid); newspapers did not publish her name. Name suppression was, however, granted on December 21, 1920 to mother-and-daughter first offenders who twice stole hats from a milliner ("Not for publication", 1920). It appears that media, despite being upset with the new judicial powers, continued to cooperate with requests not to publish and also complied with name suppression orders; however, from the outset judicial application of the law was inconsistent.

Little advice had been provided to the judiciary about the application of name suppression ("Local and General", 1921a). Magistrate Robert Dyer, in remarking that too many name suppression requests were being made, noted, "A law has been passed giving Magistrates the right to order the suppression of names, but on what basis we are to act I do not know" (ibid). Confusion about the practicalities of name suppression led some judges to set inconsistent boundaries. Magistrate Joseph Poynton declared: "The names will not be suppressed unless the offender is under 21 years, and is a first offender" ("*Auckland Star*", 1921). Two months later, Magistrate Samuel McCarthy took a narrower stance stating, "Mr. Poynton has decided not to extend this provision of the non-publication of names to any over the age of twenty-

one, or beyond the first offence. In my opinion, that is too wide. I intend to confine it to juveniles under the age of sixteen" ("Local and General", 1921b). Newspapers were also inconsistent in publication of names. In one 1923 case, despite a judge explicitly requesting publication of the name of a convicted sex offender, the newspaper did not print his name ("Grossly indecent act", 1923). The *Waikato Times* stated in an editorial that publication of names was the greatest deterrent to crime and congratulated one magistrate for refusing to suppress the name of a man charged with being drunk and disorderly; however, it did not name the accused ("Day by day", 1924). *NZ Truth*, one of the greatest critics of name suppression, in 1925 did not identify a woman convicted of stealing money from her employer, despite describing her lawyer's unsuccessful name suppression request as "monumental cheek" ("Quite pardonable difference", 1925). The media's failure to name some criminals, even in cases when judges allowed or recommended it, may indicate some editors' growing discontent with the new laws and may have amounted to a protest against having to follow the courts' rulings.

The media won a victory against the limitation of their freedoms in 1929 when MP Rex Mason failed in a bid to introduce *compulsory* name suppression for almost all first offenders, (Offenders Probation Amendment Bill 1929). The victory, however, was only won with the support of business groups ("Local and General", 1929), and was only temporary. The following year name suppression was extended to include publication of "any other name or particulars likely to lead to the identification of such person" (Offenders Probation Amendment Act 1930, s 2(2)). Justice Minister John Cobbe told the House some newspapers had published enough detail to easily identify persons granted name suppression (Cobbe, 1930). The Act made it Contempt of Court to breach name suppression, with a maximum fine of 100 pounds (Offenders Probation Act 1930, s 2(3)). The inclusion of identifying particulars to name suppression increased potential for a breach if media inadvertently published too much information. It also meant that if media felt suppression was unjustified they could no longer simply circumvent it by giving hints to identity. In just ten years, the media's right to determine what information was published in court stories, had been seriously undermined. If editors retaliated by ignoring suppression orders they believed unjustified they faced being found in Contempt of Court and fines which could financially ruin them.

The original intent of name suppression, to protect identities of first offenders, changed significantly in 1954 when eligibility was extended to include those accused or convicted of any crime as long as they had no previous convictions for imprisonable offences (Criminal Justice Act 1954). Initially, Justice Minister Clifton Webb had intended name suppression to cover all people who appeared in court, but after media argued such broad suppression was against the public interest, agreed to reduce the scope (Webb, 1954). Despite Webb's concession, antagonism towards the media's position was again evident when MP John Stewart described the media's response as "exaggerated as usual" (Stewart, 1954, p. 1941). He accused newspapers of scaremongering by falsely claiming trials would be held in secret and stated newspapers had abused their privilege by suppressing the identities of prominent figures and newspaper controllers' friends while ruthlessly exposing the names of those they did not like (ibid). Stewart's claim, made without any supporting evidence, reveals a degree of enmity that likely shaped some lawmakers' decisions about restricting media freedoms.

In 1967 MPs finally fulfilled the wishes of some of their earlier counterparts and extended, at the request of the Law Society (Hanan, 1967), name suppression eligibility to *all* offenders (Criminal Justice Amendment Act 1967, s 9). Justice Minister Ralph Hanan's statement to the House indicated that, while all would be eligible for name suppression, it should be infrequently used (Hanan, 1967). Hanan described, in example, the possibility of revealing an incest victim's identity because the accused was ineligible for name suppression (ibid). The contention that MPs intended only occasional use of name suppression is supported by a statement made by MP Dr Martyn Findlay, who said while name suppression should be allowed for everyone, it should be used sparingly (Findlay, 1967). Name suppression laws were again extended in 1969 to allow accused persons to apply for temporary, or interim, name suppression (Criminal Justice Amendment Act 1969).

In 1975 a legislative change that automatically suppressed the names of *every* accused person, up until their case was concluded, brought media and MPs to loggerheads. The change, a recommendation by the Criminal Law Reform Committee (CLRC), made up of the Solicitor General, law professionals, and representatives from government departments and universities, was the greatest alteration to reporting court news in New Zealand's history (Eckersley, 2016; "NZ move to suppress accused's name", 1975). Government had initially intended automatic name suppression only for victims of sexual offences aged under 16 years and those charged and/or convicted of incest with a child under 16 (Findlay, 1974). When the

bill returned for its second reading, however, the new clause had been added to automatically suppress the identities of all defendants up until conviction, unless the court ordered differently (Eckersley, 2016). Name suppression could be lifted if the accused requested it, or if any member of the public felt they or their family would be prejudiced if an accused's name was not revealed (Criminal Justice Amendment Bill 1975, cl 14).

The proposal was opposed by not only media, but also a number of lawyers ("NZ move to suppress accused's name", 1975). Journalists claimed the proposed law meant that "no effective and sustained reporting of the case is possible" and it would result in court news stories becoming mere lists of guilty parties (ibid). Thirty-two public submissions were made on the bill, ten from media organisations or journalists, and all ten expressed opposition (Stace, 1976). The Press Council president warned of the dangers of secret trials; the editor of *The Sunday News* defended the public's right to know about criminal matters; and journalists claimed court reports would be made confusing and dull (ibid). The police commissioner, two other organisations representing police and the New Zealand Law Society also opposed the blanket suppression law (ibid). Nonetheless, the Criminal Justice Amendment Act (No.2) 1975 passed on September 19.

Blanket suppression lasted only 10 months. During its time of enforcement, MPs were suddenly exposed to one of its negative consequences when fellow MP Gerald O'Brien was charged with molesting two boys (Gay, 2019). Reports of O'Brien's arrest, which could not include his name because of the suppression law, saw several other male MPs approach the media to declare the accused person was not them (ibid). The governing Labour Party was ousted at the 1975 general election and the new National Party government repealed the automatic suppression-for-all law, on July 29, 1976, returning the law to the 1967 position where name suppression was available to all but only by order of a judge (Criminal Justice Amendment Act 1976, s 2(1)). The 1976 act retained automatic suppression of names in specified sexual offences introduced by the repealed 1975 act (ibid, ss 2 & 3).

Further extensions of name suppression were to follow in subsequent years. Automatic name suppression was extended to: members of the New Zealand Security Intelligence Service (except the director), and anyone connected with them (New Zealand Security Intelligence Service Amendment Act 1977); and all victims of sexual offending (Criminal Justice Amendment Act 1980, s 23). Each extension of name suppression legislation meant further

erosion to press freedom, and an ever-growing and complex number of situations where media might inadvertently breach an order, particularly when these were automatic and not vocalised in court by the judge.

In 1982, for the first time, media could be ordered to leave the court during closed court hearings, but only in the interests of national security or defence (Crimes Amendment Act 1982, s 4(1)). The legislation did not give journalists the right to challenge an order to leave court and, as the hearing was closed, they could not subsequently determine whether the order was justified.

Extension after extension to name suppression continued over subsequent years, each making the laws more complex and each concealing further information from the public. In 1985 judges were given power to suppress the names and identifying particulars of witnesses and any evidence given during times when the court was closed and also any person's address and occupation (Criminal Justice Act 1985, ss 138 & 140). Additionally, a different act prohibited disclosure in open court of the names and addresses of victims of, and parties to sexual violation-related crimes; inducing sexual connection by coercion; and compelling another to do an indecent act with an animal, effectively suppressing these from publication by media (Evidence Amendment Act (No. 2) 1985, s 23AA). In 1986, undercover police officers were also granted a form of anonymity when, in giving court evidence in serious or most drug-related crimes, they were allowed to use the fictitious names used during the investigation (Evidence Amendment Act 1986, s 2; Summary Proceedings Amendment Act 1986, s 4). In 1989, automatic name suppression was extended to cover witnesses aged under 17 years in criminal cases (Children, Young Persons and Their Families Act 1989, s 454). In 1995, those ordered to submit a sample for DNA testing were also granted automatic name suppression unless they were charged with an offence relating to the reason for the test (Criminal Investigations (Blood Samples) Act 1995, s 14). The Evidence (Witness Anonymity) Amendment Act 1997 allowed some witnesses in serious criminal trials to be identified only as 'Witness A' or another initial (ibid, s 3). A breach of witness anonymity attracted much harsher punishment than other suppression breaches: a maximum of seven years in prison for a deliberate breach, and maximum fines of $2000 for individuals or $10,000 for bodies corporate for an accidental breach (ibid). One difficulty in witness anonymity was that mandated anonymity included a witness's address, occupation and other identifying particulars (ibid) making it sometimes difficult for journalists to write about the

witness without inadvertently revealing too much information. The need to give context to witnesses, while also avoiding breaching anonymity, and potential harsh penalties, added considerable complexity to reporting such cases.

Inconsistencies in the application of name suppression and concern over erosion of open justice and press freedom led to a major review of suppression laws in 2008 (New Zealand Law Commission, 2008). Some review submitters stated name suppression had become so common it was granted on first appearance "almost as a matter of course" (New Zealand Law Commission, 2009, p. 18). Prominent people were also more likely to be given name suppression, some claimed (ibid). The commission made 35 recommendations to Government (ibid), many of which were included in the subsequent Criminal Procedure Act 2011, including a guide for judges on grounds for granting name suppressions. The guide included consideration that refusal would: cause "extreme hardship" to the defendant or others; cast suspicion on others; endanger any person; identify another person whose name is suppressed; risk ongoing, or other, investigations; prejudice the security or defence of the nation; and create a real risk of prejudicing a fair trial (Criminal Procedure Act 2011, s 200 (2)). The act also stipulated that a defendant being well-known did not constitute "extreme hardship" (ibid, s 200 (3)). In 2011, for the first time, the media were granted the right to challenge name suppression orders in court (ibid, s 210). This was a significant development acknowledging the media was a party to proceedings, and giving journalists the right to stand up in court and oppose a name suppression order. However, some journalists lacked the experience, confidence and legal skills to present a compelling case. The legislation also required judges to provide reasons for granting name suppression; however, the reasons themselves could also be suppressed in exceptional circumstances (ibid, s 207). In some cases, suppression of reasons for suppression has placed the onus on media to explain why open justice principles cannot be upheld (Hurley, 2019). The 2011 act also granted automatic name suppression to victims in criminal cases aged under 18 years, unless they were dead, and increased the age for automatic suppression for witnesses by one year to cover those aged under 18 years (Criminal Procedure Act 2011, s 204).

Juvenile offenders

Some of the most stringent of New Zealand's suppression laws relate to children and young offenders. Special Children's Court sessions were introduced in 1906 for offenders aged

under 16 years, and, while hearings could be closed to the public, reporters could remain and publish all details of the cases (Juvenile Offenders Act 1906). Automatic name suppression for offenders aged under 16 years, their parents or guardians and any other name which could identify the child was introduced in Children's Court in 1925, with journalists having to seek permission to be present and to publish stories (Child Welfare Act 1925, s 30(2)). The age for being considered a juvenile offender was increased in 1927 to those aged under 17 years (Child Welfare Amendment Act 1927, ss 22 & 27). In 1974, automatic suppressions in the renamed Youth Court were extended to include the name of the accused's school (Children and Young Persons Act 1974, s 24). In 1982, automatic suppressions were removed for youths aged 15 years or over sentenced as an adult in a District Court for serious crimes (Children and Young Persons Amendment Act 1982, s 6). Youth Court automatic suppressions were again extended in 1989 to include the names of victims (Children, Young Persons and Their Families Act 1989, s 329). The strict suppression laws for young offenders echo the calls of those 1920 probation officers who justifiably fought for a second chance for young people; however, complexities of reporting proceedings and these strict laws have resulted in much of the Youth Courts' work going unreported.

Other suppressions

In addition to the automatic and discretionary name suppressions outlined above for criminal courts, there are numerous other suppressions which add complexity for journalists and many more possibilities for accidental suppression breaches. These include suppressions around bail hearings; questions disallowed by a judge; anything said in court while the jury is not present; Family Court proceedings; and tribunal hearings (Cheer, 2015). While many of these suppressions have valid reasons, they are also arguably symptomatic of growing and wide-ranging restrictions on press freedom.

Where to from here

The new Contempt of Court Act 2019, expected to come into effect on August 26, 2020, has codified some legal constraints and made some laws clearer for journalists working in criminal courts. The Act has, however, added other problems by codifying the ability for judges to order media to remove from websites stories that might prejudice a fair trial. A timeframe has been stipulated for the *sub judice* period, the time in which information that

poses a "real risk" to a fair trial cannot be published (Contempt of Court Act 2019, s 7). Under the new act the *sub judice* period is codified, for serious offences, as being from the time of arrest or charge, whichever happens first, through to: a guilty plea or jury verdict; when a charge is withdrawn or dismissed; or the start of a judge alone trial (ibid). Previously, *sub judice* applied from the imprecise time of 'when an arrest was imminent', and while 'time of arrest or charge' is more concrete, journalists are generally reliant on this information being provided by authorities. Information which poses a 'real risk' to a fair trial is also defined in the act, meaning journalists have a list to refer to rather than relying on previous case law (ibid, s 8). Another major change is the codification of takedown orders relating to stories which include a defendant's previous convictions or information that might risk a fair trial (ibid). While takedown orders only apply to the *sub judice* period, the possibility is raised that once the information is removed, it may not be reinstated due to cost and time constraints, resulting in a de facto kind of lasting censorship. While takedown orders for online news websites have been granted in recent years, these have been limited. It is possible that enshrining the option of takedown orders in legislation could see lawyers seeking these much more frequently with a consequent rise in the number of these orders served on news media. So far there has been little reaction from media to the new act, arguably because it has yet to come into effect so the implications have not been tested.

International context

In comparison to the straitened New Zealand context, Australia has no bill of rights founded protection of freedom of speech or a public and fair trial (Pearson, 2010). Name suppression is available in Australian courts; however, practices vary considerably across the country's nine states and territories (Pearson, 2010) and are unequally applied. Ackland (2018) reports in the 49 weeks to December 8, 2018 a total of 703 name suppression orders were made, the greatest number in Victoria (301) and the lowest in Tasmania, Australian Capital Territory and Western Australia (1 each). Australia's states have numerous and varying provisions for suppression orders although in all, names of victims of sexual offences and child defendants are automatically protected. These legislative differences pose problems for journalists whose publications cross state boundaries (Pearson, 2010).

The United Kingdom's name suppression regime is a mixture of common and statutory law.

Judges may order the names of participants in criminal cases not be used in open court if there is a real risk to the administration of justice, and, thus, these names cannot be published (Judicial College, 2016). Judges also have discretion to suppress the names of certain people involved in criminal proceedings. Automatic name suppressions apply to victims of sexual offences and children involved in Youth Court proceedings (except in cases involving breach of an Anti-Social Behaviour Order). Defendants in criminal trials must be named except in rare circumstances (ibid). Courts may also order a postponement of publication of reports of proceedings if there is a significant risk to the administration of justice (ibid). Postponement orders are not intended to permanently prevent publication (Crown Prosecution Service, 2018).

In Canada, freedom of expression is protected by the Canadian Charter of Rights and freedoms. Canada has a number of statutory suppressions, called publication bans, few of which are automatic (Canadian Judicial Council, 2007). Automatic, permanent suppression is given to victims of, and witnesses to, sex-related crimes, and young people aged under 17 in the Youth Court, except if they are sentenced as an adult (ibid). Reihle (1996) states free expression is often restricted by the scope and extent of publication bans. Similarly, the Canadian Journalists for Free Expression organisation argues that publication bans are too broadly and frequently used and stifle public discussion about the justice system (Metcalfe, 2018).

In the United States of America the media's right to report in the courts is protected by the First Amendment of the Constitution, which enshrines press freedom. According to Brandwood (2017) American judges have few options for preventing publication of court proceedings. Judges have the ability to issue gag orders preventing lawyers and others involved in cases from speaking to the media and, if they believe publicity may risk a person's fair trial rights, they may order a trial be held in another venue. Brandwood (2017) suggests that in the USA some accused persons do not get a fair trial due to unrestrained publicity. This poses an extreme contrast to the situation in New Zealand.

Conclusion

The development of New Zealand's name suppression laws are disquieting on a number of fronts. At the beginning of last century New Zealand's media were entrusted with deciding

what information was or was not published from criminal court hearings in the public interest, but over the past 115 years that freedom has steadily been eroded. The initial intent of suppression was to protect public morality, then turned to also give young first offenders a second chance. The practice of name suppression has ballooned to now offer anonymity to those accused, or convicted, of a wide range of crimes, and others involved in court cases. While some name suppressions are warranted, particularly for the protection of victims of sex-related crimes and young people, other measures appear to have been developed by politicians through an unfounded but longstanding mistrust and enmity towards the media. Media were for decades excluded from any formal discussion of, or contribution to, the early legislative development of New Zealand's name suppression laws, which effectively, without consultation, eroded the media's freedom and right to determine which information was in the public interest. The continued development and extension of name suppression laws has seen them become increasingly complex and disjointed. For example, several acts include automatic name suppressions that apply to rare situations, creating pitfalls into which even seasoned journalists, without the benefit of specialist court knowledge, could easily stumble. The most recent legislative moves have solved some of the problems of interpreting a small area of suppression-related legislation, but other problems still loom large. The effect of the raft of court-ordered and codified name suppressions is the restriction of New Zealand's media in a way that is extremely unusual in comparison to other Western nations.

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STATEMENT OF CONTRIBUTION
DOCTORATE WITH PUBLICATIONS/MANUSCRIPTS

We, the candidate and the candidate's Primary Supervisor, certify that all co-authors have consented to their work being included in the thesis and they have accepted the candidate's contribution as indicated below in the *Statement of Originality*.

Name of candidate:	Francine Tyler
Name/title of Primary Supervisor:	Associate Professor F. Elizabeth Gray
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In which Chapter is the Manuscript /Published work:	Article three
Please indicate:	
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and	
• Describe the contribution that the candidate has made to the Manuscript/Published Work:	
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6 Discussion

This research project examined news reporting of multiple-child murders in New Zealand in the period from 1870 to 1930, an area which, to date, has received little academic attention. Applying the theories of media framing and news values to almost 900 news stories published about 17 multiple-child killings has allowed a nuanced examination of newsroom practices over a 60-year period of New Zealand newspaper reporting. This research examines not only journalistic practices in the reporting of single cases, but also analyses trends in journalistic naming and frame building practices in historical crime reporting in New Zealand over the timeframe of six decades. In addition, the examination of the history of New Zealand's name suppression legislation analyses how these laws, and the discussions surrounding them, might have impacted the way in which media reported these crimes in the latter half of the research period. The examination of suppression laws highlights the implications and restrictions these evolving laws have had on crime reporting in this country over more than 100 years. Combined, these three articles shed light on how reporting of crime in New Zealand has developed over time.

6.1.1 Article one – findings

The findings of article one provide an important picture of naming practices in crime reporting in New Zealand newsrooms over the 60-year period from 1870 to 1930.
The results indicate that in reporting multiple-child homicide cases the media's focus was primarily on the murderer, instead of the murder victims. Article one's analysis of naming practices reveals that the media chose to name those accused or convicted of the killings more than three times as often as they chose to name those killers' victims. Arguably the media's continued naming of a killer in multiple news stories over a period of time reinforced in the public memory that person's identity. Conversely, omitting or dropping the name of that killer's victims from many of the news stories about the case may have increased the chances of the victims being forgotten and thereby suggest the journalists may have considered them less important to the story. Over the 60-year period analysed, it became evident that the victims of the killings were named frequently up until the point at which they were buried and, following that, their names were often omitted and instead the media named only the killer. There were, however, exceptions to this pattern: Victims' names were frequently included, across all cases, at particular chronological points, primarily when news

media reported legal proceedings such as inquests and the beginning of the murder trials when the names were included in charging documents and read out in court; however, their inclusion by journalists at these junctures appeared almost perfunctory. The media's omission of the names of victims in ongoing coverage of the cases indicated the murderer was often the primary focus of the reporting. This research project clearly outlined that for six decades the murderers, rather than the victims, received more media prominence, and this empirical evidence is one of few academic research projects to investigate the naming of those accused of criminal activity and their victims. One similar study, by Chermak (1995), which analysed news reports of almost 3000 crimes in the United States, also found that the accused was named more frequently than the victims; however, Chermak's research only covered the first reports of a crime, a time at which the victim's name may not have been made public by authorities.

Another interesting finding of this research project revealed that both killers and victims in familial murder cases were more likely to be named than those in non-familial cases. In familial killings the accused was named in 94 percent of stories and their victims in 30 percent, while in non-familial killings the accused was named in 75 percent of stories and their victims only in 22 percent. Only 25 percent (n=4) of the multiple-child killings in the study were committed by those not related to the victims, thus, according to Clifford and White's (2017) 12-point news values list, these cases should hold a higher news value as the crimes were more novel. Indeed the newspapers did publish more stories about each of these cases, an average of 132.8 per case, than they did for the familial killings, which received only an average of 28.8. The greater news coverage given to the non-familial killings may have resulted in the journalists less frequently naming the killers as it was assumed that readers must already know the names of the accused as the case was high-profile.

The naming patterns observed over the entire period of the study did not evolve over time, despite a shift in reporting styles during the same timeframe and the introduction of name suppression legislation in 1905. The murderers remained the main focus in the news reporting over this 60-year period and media continued to use their names as frequently as they did prior to the introduction of name suppression. While article three shows there was a large amount of discussion around name suppression in the press between 1900 and 1930 (the end of the analysis period into naming and framing patterns in this research), the findings indicate that this discussion did not result in changes to the naming patterns of the accused

persons. A large amount of research shows that homicide holds a high level of news value in contemporary news reporting. This research indicates it is likely that the murderers themselves may, in the era under investigation, have also held a high news value, over and above the other players in the crime. These results contribute further to the understanding of the arguably enduring nature of certain news values, especially in relationship to news values of crime, criminals and victims. It could further be considered that by placing a greater emphasis on murderers, journalists may in fact be promoting that person to a level of infamy that would meet Clifford and White's (2017) news values category of celebrity or high-status individuals. Thus, simply by being accused of murder, that person may be elevated by the media to the status of celebrity, while their victims are not. Further research into modern journalism may reveal whether these patterns are evident in news reporting today.

6.1.2 Article two – findings

The research in article two extends the examination of naming of accused multiple-child murderers to the words and phrases employed by media to construct frames for those people in the 60-year-period from 1870 to 1930. This research adds to a more complete picture of how those accused killers were described by media. By employing the overarching 'mad', 'bad' and 'sad' framing taxonomy observed by other researchers (Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013), this research examines the frames constructed by media to describe those accused of multiple-child killings, explain their actions and apportion blame. The research revealed that the language and phrases employed by the media to describe the accused killers were consistent with the 'mad', 'bad' and 'sad' taxonomy; however, less than half (n=7) of the 17 cases had a single frame. In six of the 17 cases the media created a dual frame, in one case the media constructed frames for all three 'mad', bad' and 'sad' categories, and in three no obvious frame was identified for the killers. The research project revealed some surprising findings in how media constructed frames for accused multiple-child killers.

Single frame

In five cases a single frame of 'mad' was created by the journalist - all involved killings perpetrated by a parent; four were mothers and one was a father. Even if there was evidence that other factors may have been at play in the reasons for the killings, these were ignored by

the journalists and only ‘mad’ framing was constructed. In these ‘mad’ cases the journalists often used language and phrasing such as “crazed”, “demented” and “deranged”, which outright stated insanity was the cause. At other times, however, the phrasing and word selection was more subtle with only allusions to mental instability, such as the killer had been “in poor health” or had “previous ill-health”. The constructing of ‘mad’ framing was consistent over the 44-year-period from the first case in which it appeared, in 1884, to the last in 1929. Over this 44-year-period some of the words and phrases used to create the ‘mad’ frame changed, but a number remained in use: for example, in 1884 the phrase “pains in her head” was used to imply one killer’s insanity, and a very similar phrase “feeling unwell with pains in the head” was again used in 1926. This phrase, which was closely associated with mental illness in the 1800s (Esquirol, 1845) suggests the journalists’ use of particular cultural constructs to create frames around the killers for their readers.

The only two cases in which a singular ‘bad’ frame was constructed involved the murders of children by baby-farmers. These people took in unwanted children in exchange for payment on the pretext that new homes would be found for them. In these two strikingly similar cases, one in 1895 and the other 28 years later in 1923, the killers, instead of re-homing the three children they had each taken in, killed them and buried the bodies in their respective gardens. For both these killers frames were constructed which portrayed them as cold-blooded and evil people who had killed innocent children for profit, and similar to the cases with the sole ‘mad’ frame, even when there was information that could have provided an additional frame, this frame was not constructed. Not only did the journalists use emotive language, they also painted sensational pictures of the killers and likened them to evil characters. The 1895 case received a large amount of coverage throughout the entire country, and, when in 1923 the similar case arose, the journalists appeared to draw upon the earlier case to construct the frame of the killer in the latter case. This observation is consistent with earlier research which found that media may draw on previously established narratives in constructing frames for accused killers (Barnett, 2016; Morrissey 2013). In both these cases the killers were convicted of the murders and sentenced to death. Unlike in other cases, where sympathy for the killers saw the public raise petitions for clemency, no such public action was taken in the two baby farmer cases and both were hanged.

In none of the cases did the journalists construct a sole ‘sad’ frame. A singular frame of ‘sad’ could indicate the media’s belief that an accused killer may either be innocent and wrongly

accused, or be guilty, but their actions were so justified that no guilt should be attached to them. Sad frames have been observed, in modern media reports, to be constructed for women who kill their violent partners to protect themselves (Jewkes, 2015). In the 17 cases in this research project, the victims were all children, so self-defence would be unlikely to apply.

Dual frames

Two of the cases involved the construction of both a 'mad' and 'sad' frame in tandem. These frames were also used to portray parents, one mother and one father, as a means of further explaining their seemingly inexplicable actions of killing their children. In one of those cases, that of Caroline Witting, who in 1872 drowned three of her children in a river, the construction of the 'mad' frame was consistent with what we would today consider post-natal depression, but in 1872 was described as her having been "not very well for the past nine months" (since the birth of her youngest child) and "always had a headache". The creation of the additional 'sad' frame related to her being a victim of her husband's violent temper; "the woman had been very unkindly treated". In the second of the dual-frame 'mad' and 'sad' cases, that of Arthur Wolfe, who, 28 years after the Witting case, shot and killed two of his children, was said to have been pushed to a "fit of temporary insanity" by "his financial circumstances not being very satisfactory". The construction of dual 'mad' and 'sad' frames apportions blame for the killers' insanity and had the potential effect of eliciting sympathy for the killers as their insanity was not their fault. In both of these cases, the killers were convicted of the murders, but public petitions were raised seeking commutation of the death penalties imposed due to their mental health issues. Neither was hanged. Conversely, in two of the four dual 'mad' and 'bad' cases, the killers' insanity was implied, or outright stated, as being caused by their own actions or predispositions – variously, to alcohol, revenge or a wish to leave a faltering marriage.

Triple frames

In only one of the 17 cases, that of a father who killed his wife and three of his four children in 1892, were all three 'mad', 'bad' and 'sad' frames apparent. In this case, the media constructed a frame portraying him as 'mad' as he had a history of insanity, using words such as "lunatic"; 'sad' as he was a victim of lack of care - "poor Munro"; and 'bad' because he had previously attempted to kill his children - "dangerous". The coverage of the Munro case

presents a particularly interesting case study in media framing practices. The building of all three ‘mad’, ‘bad’ and ‘sad’ frames in this case deviates from the other 16 cases examined. The Witting case in particular might also have warranted the construction of a ‘bad’ frame in that she appeared to want to dispose of her children so she could leave her violent husband; however, this was not included in the journalists’ commentary on the case and merely mentioned in evidence. Munro was insane and the media could have simply constructed a single ‘mad’ frame to explain his actions for their readers. Instead, a ‘sad’ frame was also created, which apportioned blame for the killings to his mother and brother, who had failed to give him the care they had promised. The fact that Munro had murdered almost all of his family in an incredibly brutal manner, (smashing their skulls with a metal flat iron), may have prompted the journalists to temper that ‘sad’ frame with the creation of an additional ‘bad’ frame that he was dangerous.

No obvious frame

The results of this research show that the tripartite ‘mad’, ‘bad’ and ‘sad’ taxonomy has limitations in framing those accused of multiple-child murders. In particular, the absence of an obvious frame for the accused in three cases suggests that a more nuanced approach to a simple ‘mad’, ‘bad’ or sad’ taxonomy is needed. While this finding might seem to support the modern standard of balanced and objective reporting, impartiality in news reporting was only beginning to emerge as common journalistic practice during the period of this analysis (Schudson, 2001). According to Kaplan, impartiality and objectivity in news reporting in the US evolved over a period from 1865 to 1920, with a shift away from partisan reporting, particularly in politics, to a “rigorous ethic of impartiality” (2002, p.2). The three cases which evade ‘mad’, ‘bad’ and ‘sad’ frames for the accused persons, one case in 1898, one in 1901 and one in 1915, resembled each other in that they were the only three in the entire research project in which the cases resulted in the charges being withdrawn due to a lack of evidence or a not guilty verdict was found (as opposed to not guilty by reason of insanity). It was not possible for the media to have known that these would be the outcomes of the cases when decisions were made about which words would be used and yet no obvious ‘mad’, ‘bad’ or ‘sad’ frames were constructed for the accused killers. Instead, in two of the cases frames were created around the crime itself, casting the 1898 case as “a mystery”, and in the 1915 case media questioned whether the killings in fact constituted a crime at all as it was not known whether the new-born twin victims had been born alive. In the third case, in 1901, a frame

was constructed around the accused's evidence, questioning its veracity. It cannot now be known why the media created frames for these three cases in this way. It is possible that the journalists were attempting objectivity in their reporting; however, it is also possible that they themselves had no opinion about the guilt or innocence of the accused persons and therefore did not construct an obvious frame to explain the actions of those accused of the crimes. Arguably, a nascent 'intrigue frame' could be apparent, a lack of evidence or certainty suggesting to the reader parallels with a fictional 'whodunnit'. The audience is informed that a crime has been committed as police have laid criminal charges; however, the case is not as straightforward as other murders where, for example, a murder has been witnessed by others and there is no doubt about who committed the act. An 'intrigue frame', with few, if any, linguistic hints concerning the categorisation of the accused, requires the audience to ponder the given facts and draw their own conclusions about what has happened and who was responsible.

6.1.3 Article three - findings

Article three extends our understanding of the legal and cultural context in which naming and framing of accused multiple-child murderers were being undertaken, by examining the development of unique New Zealand legislation which prevents the media from naming and describing some persons involved in criminal court proceedings. This research examines the court and crime reporting media landscape at a time in which many of the stories about multiple-child murder examined in this research were written. Legislation which allowed for the suppression of some information and names from court news reporting was introduced during the timeframe of this research project. Consideration of the legislative context allowed for a comparison of naming patterns before and during the introduction and development of this legislation, as presented in article one.

In New Zealand, the present system of name suppression is enshrined in legislation and can either be granted at the discretion of the judiciary following an application from a person wanting to keep their identity secret, or it is granted automatically for certain persons, such as victims of sexual offending. The legislation has evolved over more than 100 years, but the history of the gradual development of this law had largely been forgotten. This article reveals that the early legislative steps were often made without consultation with the media and over time have arguably resulted in an erosion of press freedom. This is significant as the media's role in reporting in courts is to be representatives of the public (Buckingham, 2011; Patel 2018) and by reporting on court proceedings the media are vital to the principle of open justice (Pearson & Graham, 2010). Prior to 1905 New Zealand media had the right to report any details included in criminal court proceedings. It was the role of media to decide what information it would publish and whose names would be made public. The first step in introducing the ability to suppress information from court proceedings came in 1905 when lawmakers gave judges the right to suppress information in some sex-related cases, but only to protect public morality (Criminal Code Amendment Act 1905). Prior to the passing of the legislation, media expressed their opposition through their publications, yet none were consulted by MPs. This failure to consult media and the discounting of media interests became a recurring theme in the progress of suppression legislation. Again in 1920 lawmakers introduced name suppression for first offenders eligible for probation, despite protests from newspaper editors. Over subsequent decades suppression legislation evolved, with almost every iteration of the legislation removing further rights from the media to

include information from court hearings in news reports and making reporting on court more complex for journalists. In 2008, following concerns about erosion of the principle of open justice and freedom of the press a major review of name suppression was conducted by the New Zealand Law Commission. Some submitters to the review stated that name suppression had become so common that it was almost always granted at a person's first appearance in court (New Zealand Law Commission, 2009). The outcome of the review of name suppression laws, the Criminal Procedure Act 2011, for the first time gave reporters the right to challenge the granting of name suppression in court. This was a significant step, which acknowledged for the first time in the almost 100 year history of name suppression in New Zealand, that the media were a party to court proceedings and not simply observers. The effect of the many and varied pieces of legislation which include both automatic and discretionary suppression provisions is to make the work of crime and court reporters increasingly complex putting them at risk of accidental suppression breaches and the possibility of being prosecuted. Investigation of the development of New Zealand's suppression legislation has shown how these laws have helped to shape the unique way in which New Zealand journalists have had to craft their crime news stories over the years.

6.2 Implications from this research

In attempting to analyse and explain crime reporting practices in colonial New Zealand, theories that have been developed in other Western nations may have limited explanatory power to explain media practices in this specific historical and cultural context. While New Zealand is also a Western nation, its isolation and shorter history of colonisation has seen it develop its own unique practices in a number of areas. The period from 1870 to 1930, analysed for this research project, saw New Zealand move to further loosen its ties with Britain and create its own sense of nationhood. New Zealand moved forward with adapting English laws to suit its own situation, and also to write its own unique legislation such as that which prevented media from publishing some names and details from criminal court hearings. Analysing journalism practices and legal developments in colonial New Zealand can help us better understand the nation's early progress towards today's crime reporting practices.

The findings of this research project, which examined 60 years of colonial New Zealand reporting of multiple-child murder cases, reveal that the introduction of suppression

legislation and the discussion surrounding this beginning at the turn of the twentieth century appears to have had little impact on naming patterns in the multiple-child murder cases examined. It could be argued that by naming the accused person before they appeared in court, the media effectively removed the ability for those people to seek name suppression. On one hand, as Jones (1995) states, this may have be particularly harsh for those who were later acquitted of the crime. On the other hand, there is a public interest element in publishing the name and details of a person who is accused of murdering children, particularly if, as in several of the cases, there are broader societal concerns at issue. For example, by being free to name Minnie Dean and discuss her personal history and the circumstances which led to her baby farming practices, the media helped to shape an interpretive framework, as described by Gruenewald et al. (2009), Katz (1987), and Pritchard and Hughes (1997), building on which legislators later changed laws to ensure better protection for unwanted children. The creation of such interpretive frameworks might be hindered if the media were unable to identify the accused person and disclose certain information about their circumstances.

The research also reveals an entrenched practice in newsrooms of that era to foreground the accused killers while their victims largely disappeared from news coverage of the case after they were buried. In every case examined in this research project the killers were named more frequently than the victims. By more frequently naming the killer, media arguably contribute to memorialising that person and increasing their notoriety. Giving such prominence to the perpetrators of these crimes arguably increases their fame and diminishes their victims, or, more simply put, the murderers become famous while the victims are forgotten.

In contemporary New Zealand, one significant step toward acknowledging a need to shift media focus from perpetrator to victim of murder is an agreement in 2019 between five major news organisations not to name the man responsible for a fatal mass shooting and instead focus on his victims, in line with advice from psychologists that giving notoriety to mass killers encourages copycat acts. The agreement, however, relates only to this event and not to other murder cases they have subsequently reported on. Another step which redresses the imbalance of focus on child-killers over their victims has been taken by one New Zealand news organisation, which has established a campaign to record the names and stories of children murdered in the country since 1992 (Faces of Innocents, 2020). In an effort to highlight the victims and encourage action to prevent further deaths *Stuff*'s Faces of

Innocents project records the stories of 223 children murdered in New Zealand since 1992 (the actual number of children murdered in that period is unknown as police records are incomplete). These steps by New Zealand news organisations are noteworthy attempts to shift embedded media practice, which this research has revealed was evident in reporting at least 100 years ago. It is well-established that murder holds a high news value in crime reporting and receives significant news coverage in comparison with other crimes (Chermak, 1998; Gekoski et al., 2012; Lundman, 2003; Pritchard & Hughes, 1997). Given the significant coverage of murder in modern news, it is timely for media practitioners to examine whether and how their reporting continues to highlight the killers and diminish the status of the victims of these horrendous crimes. Without further and extensive research, it cannot be known whether a shift in media focus away from the killers to memorialising their victims may help prevent further killings, but personalising the victim statistics may prompt lawmakers, enforcement agencies and the community to take steps to address the underlying causal factors for these crimes.

The findings of this research project also show that media in the 60-year period from 1870 to 1930 generally used language and phrasing consistent with the 'mad', 'bad' and 'sad' taxonomy to construct frames for the accused multiple-child killers; however, few created only a single frame. Most coverage used a combination of two or more of the 'mad', 'bad' and 'sad' categories to describe the killers, suggesting that contemporaneous New Zealand media generally did not take a simplistic approach to explaining the actions of these murderers, particularly parents who killed their own children. In 11 of the 13 cases involving familial killings a frame of 'mad' was constructed; five as a sole frame and six in combination with either 'bad' or 'sad' or both. Insanity did appear to play a part in all of these cases and the media were quick to emphasise this by using colourful language such as "demented", "crazed" and "deranged" in their first reports of the crimes. While 'madness' may seem an obvious explanation for why a parent killed their children, in all likelihood, other factors and stressors might also have been involved. In one example from the research project, concerning a mother who killed her children because she wanted to protect them from their abusive father, a frame of 'mad' was constructed suggesting her act was a product of insanity; however, an additional 'sad' frame was constructed as her madness was presented as the result of abuse and depression brought about by childbirth. In contrast, the singular 'bad' frame was presented as sufficient explanation of the actions of a baby-farmer, even though financial stressors may have caused her to murder the children. The frames

constructed for the multiple-child murderers analysed for this research project were inextricably linked to causality. The media appeared to have sought to apportion blame for the crimes by constructing frames for the accused killers in a manner that hinted at, or outright stated, explanations for the killings. By constructing such frames, the media created a picture of the killers that audiences could easily understand. The results of this study suggest, however, that the simplistic tri-partite 'mad', 'bad' and 'sad' taxonomy needs to be re-examined and refined as it is insufficiently nuanced to explain the media framing of these child-killers. In most cases the media constructed, not just a single frame as the taxonomy suggests, but combinations of the 'mad', 'bad' and 'sad' frames to explain the nuances and complexities of these crimes.

During the era of this study, societal views of children in Western nations transitioned from them being considered personal property and even assets who could supplement the family income to innocents who needed care, protection and nurturing (Zelizer, 1985). This shift in views on childhood was not evident in the framing of the killers across the period under analysis. It could be expected that in the latter part of the study period a 'bad' frame would be more frequently constructed for familial killers to reflect the increased societal expectation that parents were supposed to be protectors of their children; however, no such pattern was evident. In fact, a 'bad' frame was most frequently created for killings committed by people who were not related to the children. In three of the four non-familial killings the frame of 'bad' was constructed, two as a sole frame and one in combination with 'mad'. Thus, media in New Zealand between 1870 and 1930 broadly and consistently explained and simplified for its audiences the actions of people who killed their own children by building frames portraying them as 'mad' or 'mad' in combination with 'bad' and/or 'sad', while those who killed other people's children were more often explained by them being simply 'bad'.

The obvious 'mad', 'bad' and 'sad' frames created for the killers in 14 of the 17 cases raise a question of journalistic objectivity. In the remaining three cases examined, no obvious frame was evident for the accused killers; however, it cannot be assumed that the journalists were attempting objectivity in their writing as, during the timeframe of this study, impartiality was only beginning to become an accepted journalistic practice (Kaplan, 2002; Schudson, 2001). The lack of any obvious frame for the accused persons in three of the cases raises some question over the universality of the 'mad', 'bad' and 'sad' framework. In these cases, instead of constructing an overt frame for the accused killers, the media emphasised other areas of

the cases in apparent attempts to explain the events for their readers. In one case frames were constructed around the murders themselves, portraying the crimes as a "mystery"; in another, media questioned whether a crime had been committed at all; and in the third frames were built around the accused's evidence, describing it as fantasy. The diversity of presentations of the killers in these three cases evades the narrow categories of 'mad', 'bad' or 'sad'. The lack of simple categorisation of these killers suggests that the media may not have been certain of the parties' guilt or did not have enough information about the accused persons on which to build a frame. If there was doubt as to the guilt of the accused, there was no need for a frame to be created which would allude to an accused person's motives (Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013). The cases evading easy categorisation suggest the need for reconsideration and extension of the tripartite taxonomy that has been generally applied to date. The absence of 'mad', 'bad' and 'sad' frame for the accused persons may suggest a degree of 'intrigue' to the case. With a frame suggesting 'intrigue' the audience is left to draw its own conclusions about the guilt or innocence of the accused based on only the information given and without the subtle hints that would be provided with 'mad', 'bad' or 'sad' frames. It is possible, that if other cases, beyond those examined in this research, are analysed, similar 'intrigue' frames may be evident in cases which remain unsolved, and also in others in which there was a question of doubt about the accused person's guilt. In the era examined in this research project there were fewer restrictions on how journalists reported crimes and court hearings than today. It is expected that news reports of murders in New Zealand in the present day should not involve presentation of frames indicating guilt, innocence or motivation for the crime, unless the accused person has pleaded guilty, or been found guilty of the crime (Contempt of Court Act 2019). In modern journalism textbooks balance, fairness and objectivity are considered crucial in court and crime reporting to avoid prejudicing a defendant's right to a fair trial (Morris & Tyler, 2018).

The appearance of the 'mad', 'bad' and 'sad' frames in early news reporting in New Zealand's colonial period, and also in Victorian England's newspapers (Stuart-Bennett, 2019) as well as in modern reporting in the United Kingdom and in the USA (Easteal et al., 2015; Greer, 2017; Stuart-Bennett, 2019; Wardle, 2003; Weare, 2013) indicates that employing this taxonomical framing may be entrenched in newsrooms in Western nations, although there may be local variants in the deployment of the categories. Certainly, 100 years ago crime and court reporting employed far more overtly colourful language than that used today to create

frames for accused child-killers; however, as Wegner, Wenzlaff, Kerker and Beattie (1981) state, even subtle language may have the ability to create prejudice. The contemporary media practice of constructing frames to explain complex situations in reporting news stories in areas such as health, education and politics, on most occasions pose few legal problems; however, in crime and court reporting, such frames may have implications for the judicial process and on an individual's rights to a fair trial.

Fair trial rights have also been at issue in the century-long development of New Zealand's name suppression legislation. Analysis of the evolution of this legislation reveals a gradual erosion of press freedoms and highlights a need for a robust partnership between lawmakers and the media to ensure the principles of open justice prevail. In the last 115 years, New Zealand's media has gone from being entrusted with the right to determine what information was published in court reporting to being constrained by numerous complex and disjointed statutes. Many of the early legislative changes happened despite opposition from media. Vigilance and combined media opposition to proposed legislative changes that may further restrict press freedom is particularly important in light of research that has identified a shift in political reporting in Western nations over the last three decades from legislation-centric to a focus on sensation and titillation (Louw, 2010; Meyen, Theiroff & Strenger 2014). This shift in political reporting, according to Strombach and Van Elst (2013), displaces investigation and discussion of proposed legislation. Decisions by lawmakers are thus now, more than ever before, likely to occur with only scant scrutiny from political reporters whose primary focus has become politics as a competitive sport with losers and winners.

While acknowledging there may at times be a need to preserve an individual's right to a fair trial by keeping his or her name from publication before the court process is complete, in some cases the granting of name suppression may be for less valid reasons. New Zealand's media has been given the right to challenge name suppression orders where it is felt that these have been unjustifiably granted, or where other factors have not been given due consideration. Challenges to name suppression orders, however, require significant skill and knowledge on the part of the court reporter if opposition to the granting of such orders is to be voiced in court at the time. If name suppression orders are challenged after the court hearing, these challenges usually involve considerable expense for the news organisation which generally must employ a lawyer to argue the case. Future consideration may need to be given to how this process might be simplified in order to prevent unwarranted censorship of

court information. One area which might be challenged by media is that in which permanent name suppression is granted, but subsequent events result in the reasons for suppression no longer being relevant. At present, individuals convicted of serious crimes may permanently have their names kept secret because at the time of their conviction publishing their names might, for example, adversely affect their elderly parent or their employment. One might question whether if that elderly parent dies, or the convicted person retires from their job, media might more easily challenge the continued censorship provided by name suppression. New Zealand's media has shown in the Christchurch shooting case that it is willing to self-censor names in the public interest. In the past, New Zealand's media was free to make many such public interest decisions in relation to naming of those accused of crimes. The ability to make many of these decisions has over time been removed from media, solidified in statue and passed into the hands of the judiciary.

The need for media vigilance on name suppression laws and the need to challenge the resulting restrictions to press freedom is not limited to New Zealand. Other Western nations also have forms of legislation which restrict the publication of some court information and examination of New Zealand's journey to the most stringent name suppression regime of all of these countries may serve as a clarion call for those other nations to stand firm against law changes which may take them down a similar path.

6.3 Limitations and directions for future study

This research project analysed a 60-year period of New Zealand crime and court reporting of multiple-child murders between 1870 and 1930 and has added to understanding of newsroom practices in that era. There are, however, limitations. In order to examine news reporting of murder over such a broad 60-year timeframe, the type of murder case selected for analysis was narrowed in order for a manageable number of cases to be included. This research focused on cases where more than one child was murdered in order to analyse only stories of particularly egregious and unfathomable crimes which could be expected to receive significant media coverage. Naming practices and framing of killers in other perpetrator/victim relationship murders remain to be examined in future. While this research also revealed particular naming and framing practices in cases of multiple-child murder in New Zealand, analysis of murders of a different nature may reveal whether these practices are also evident.

This research has also included only English language newspapers as no newspapers written in te reo Māori available on the *Papers Past* database, provided sufficiently extended coverage of the cases. The research also did not, as far as can be determined, include cases of multiple-child murder involving Māori defendants or victims, as none were reported by newspapers available on *Papers Past* during the timeframe of the research. This did not allow for any comparison of reporting practices based on ethnicity. Further research in a different time period, or of a different type of crime, might allow for comparison of naming and framing patterns by ethnicity to be completed. This would be a valuable and needed contribution to understanding of New Zealand's media history, research into which to date has largely examined English language newspapers.

The era from 1870 to 1930 is an important timeframe for analysis as it represents a period in which journalistic practice has been observed to have been in transition in most Western countries; however, examination of New Zealand media coverage of multiple-child murders in the period prior to 1870 and post 1930 remains unexamined. Further analysis may reveal whether the practices and trends identified in this research were apparent before 1870 and continued after 1930 to today, providing a greater understanding of how New Zealand crime journalists have crafted stories of multiple-child murder over time.

7 Conclusion

This research project, which analysed news reporting of 17 multiple-child murder cases in New Zealand between 1870 and 1930, has addressed a gap in understanding of how historical news media crafted factual accounts of one of the most horrific and inexplicable kinds of crimes. The three articles in this research project aimed to explore the diverse ways in which the broader media context shaped decisions around the naming of accused murderers and their victims and the portrayal of those accused killers, in crime reports published in New Zealand newspapers between 1870 and 1930.

To investigate this, three overarching questions were proposed:

1. How did historical New Zealand journalists write about multiple-child murders?

2. How does media coverage of early New Zealand child murder cases fit or deviate from classic theories of news media crime reporting such as framing of crime?

3. How have New Zealand's suppression laws changed over the years since 1900 and how did they alter naming patterns of accused persons in stories about multiple-child murder up to 1930?

This longitudinal study also aimed to reveal if and how practices developed over sixty years in this particular cultural and media context – and found a degree of consistency in media practices between the earliest of the murders analysed (1872) and the last (1929), despite the societal, legal and news reporting changes that took place over this particular period of time. This research does more than paint a picture of a distant historical time; it suggests links between what was done a hundred years ago and what is done now, in particular circumstances around the heinous crime of child-murder, to suggest the long-standing roots of current media naming practices. The research reveals an entrenched practice in newsrooms of that era to foreground the accused killers while their victims largely disappeared from news coverage of the case after they were buried.

By more frequently naming the killer, as they did in every case examined in this research, media arguably contribute to memorialising that person and increasing their notoriety. Giving such prominence to the perpetrators of these crimes arguably increases their fame and diminishes their victims, or, more simply put, the murderers become famous while the victims are forgotten. Murder cases hold a high news values for media and, research shows these cases are a given significant amount of coverage in comparison with other crimes (Chermak, 1998; Gekoski et al., 2012; Lundman, 2003; McGregor, 1993; Pritchard & Hughes, 1997). It could be contended that a shift in media focus onto victims instead of their killers might prompt changes which address the underlying causal factors for these crimes.

Despite the discussion surrounding suppression of names and information in court news, and the subsequent introduction of suppression legislation during the timeframe of the research, little impact was observed on whether or not the accused multiple-child murderers were named in the coverage examined. Even when, in the later cases examined, there was the possibility that the accused person could ask for their names to be suppressed by the court,

the media had already revealed their identities and provided details of the crime. This practice perhaps calls into question the fairness of the subsequent trials, as the judges did not have the opportunity to prevent publication of anything which might adversely affect a case (Spigelman, 2016). It might also have been particularly harsh on those who were later acquitted (Jones, 1995) as they would likely have endured the stigma of being accused of being a child-murderer. In many cases there may, however, be a public interest in full disclosure of court information, including the name of the accused and their circumstances. The media's role in reporting such cases provides an opportunity for a more complete public discussion of the broader factors which might have led to the murders being committed and potentially provides impetus for societal and legislative change to prevent similar killings in future (Gruenewald, et, al., 2009; Katz, 1987; Pritchard & Hughes, 1997).

Media coverage of early New Zealand child murder cases broadly fits with classic theories of media framing of crime, in particular the use of 'mad', 'bad' or 'sad' categories to construct frames for murderers. The results of the research, however, suggest that there are distinct limitations to expecting that modern explanatory models and taxonomies, developed in other Western nations, can or should apply to this particular historical media context. This research found that in colonial New Zealand reporting, more than one of these categories was most frequently applied to multiple-child murderers. While the use of these distinct categories to simplify and explain the actions of these killers has endured more than 150 years and spans several nations, these findings suggest a fundamental challenge to the limitations of the 'mad', 'bad' or 'sad' taxonomy. The findings indicate a need for the 'mad', 'bad' or 'sad' taxonomy to be revised or extended as, in most cases, the media built not just a single frame as the taxonomy suggests, but combinations of the 'mad', 'bad' and 'sad' frames to explain the nuances and complexities of these crimes.

The absence of any obvious frame for the accused persons in three of the cases examined raises questions over the universality of the 'mad', 'bad' and 'sad' framework, even if subsidiary or multiple frames are considered. The absence of obvious 'mad', 'bad' and 'sad' frames removes implications of guilt or motive and instead implies mystery and 'intrigue'. This finding suggests the addition of a mystery or 'intrigue' frame to the 'mad', 'bad' and 'sad' taxonomy may be indicated.

The examination of the evolution of New Zealand's name suppression laws and their impacts on press freedom has illuminated a little-examined area of New Zealand's media history. Analysis of the development of this evolution revealed that the restrictions on the information which may be published in crime and court reports have been imposed gradually over more than 100 years and have eroded press freedoms in New Zealand. Preventing the publication of the names and details of some of those involved in the court process has also forced New Zealand media to craft stories without identifying one or many of the key players in the crime, or to not report the case at all, resulting in partial or total censorship of the case. To remove such rights from the media is in opposition to the principle of open justice. Analysis of the legislative developments which have impinged upon court and crime reporting in New Zealand has illuminated some of the reasons that 'newsroom practice' in New Zealand has developed in unique ways and demonstrates that, while certain journalistic challenges may be universal, each media/cultural context may have highly distinct impacts on journalistic practice.

This research project has contributed to a more thorough understanding of historical newspaper practices and suggests that these reporting practices were not monolithic. This research also shines a light on reporting practices in a country which, during the period analysed, evolved from a British colony to a nation with its own unique identity and, to a degree, it addresses the limitations of British and North-American focused scholarship to date. This research offers a useful and needed extension of the literature on historical journalism.

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9 Appendices

Appendix A: New Zealand concealment of birth cases reported in newspapers 1921-1930

Year	Name	age	location	Suppression at first appearance	Permanent suppression	Verdict	Outcome
1921	Flora Ellen Waite	31	Auckland	no	no	Guilty	1 month in prison
1922	Ella Columb(a)	u/k	Mosgiel	yes	no	Guilty plea	Come up for sentence if called upon
1922	Heatherbelle Harland (joint charge)	u/k	Dunedin	no	no	Guilty	5 years in prison
1922	Stuart Cecil Harland (joint charge)	24	Dunedin	no	no	Guilty	2.5 years in prison
1922	Olive Irene Kay	18	Timaru	no	no	Guilty plea	12 months' probation
1923	Daniel Richard Cooper		Wellington	no	no	Charge not proceeded with	
1923	Daisy Violet Williams	u/k	Auckland	no	no	Charge dismissed	
1923	Mary Agnes Young (joint charge)	u/k	Waimate	no	no	Charge dismissed	
1923	Agnes Young (joint charge)	u/k	Waimate	no	no	Charge dismissed	
1924	Elsie Bidios	25	Paeroa	no	no	Guilty plea	3 years' probation
1924	Marguerita Elizabeth Hands	u/k	Dunedin	no	no	Not guilty	
1925	Name suppressed	u/k	Auckland	yes	yes	Charge dismissed	
1925	Name suppressed	u/k	Auckland	yes	yes	Guilty	Come up for sentence if called upon within 2 years
1925	Agnes Elizabeth Manson	u/k	Timaru	no	no	Charge dismissed	
1925	Pourewa Maru	20	Te Arai	no	no	Guilty plea	2 years' probation
1925	Name suppressed	u/k	Mangaweka	u/k	yes	Guilty	Come up for sentence if called upon within 12 months
1926	Lucy Stowers	18	Auckland	yes	no	Guilty plea	2 years' probation
1926	Agnes Whippy	16	Auckland	yes	no	Guilty plea	2 years' probation
1926	Name suppressed	28	Auckland	yes	yes	Guilty plea	Come up for sentence if called upon within 2 years
1927	Paul Lendich	36	Whangarei	no	no	Charge dismissed	
1928	Name suppressed	19	Wairoa	yes	yes	Guilty plea	Unknown
1929	Lomond Kennedy (joint charge)	u/k	Waimate	no	no	Guilty plea	6 months in prison
1929	Juanita Winnifred Wilce (joint charge)	u/k	Waimate	no	no	Guilty plea	Time served (two weeks in remand)
1929	Ruth Elizabeth Andrew	21	Dargaville	yes	no	Guilty plea	2 years' probation
1929	Aue Poi	u/k	Port Awanui	no	no	Guilty plea	12 months' probation
1929	Kathleen Jennie Dodd	31	Waipara	no	no	Guilty plea	No conviction entered, ordered to come up of called upon within 12 months

Appendix B: Coding sheets -synonyms for ‘Mad’, ‘Bad’ and ‘Sad’

Appendix B1: Synonyms for Mad

abnormal (eg. psychology)	functional derangement	out of one's mind
anxiety	hot-brained	pains in the head
asylum	hysteria	poor health (mental illness)
barking mad	hysterical,	psychiatric care
brains weakened	idiotic	psychological
Degenerate condition (mental illness)	impulse (murderous, inexplicable)	psychotic
confused	inmate (asylum)	psychopathic,
cracked	insane	queer (feeling)
crazy	insanity	raving
crazed	in shock	raving mad
crazed of brain	light-headed	religious fanaticism
dazed	lunatic	roving in mind
delirious or delirium	mad	sickness (mental or madness)
delusions	madman	strain
deranged	madness	stress (mental)
demented	malady	touched
dementia	mania	uncontrollable impulse
depression (condition)	maniac	unbalanced
disordered intellect	melancholia	uneasiness (of mind)
disorder of the nervous system	mental	unfortunate (in combination with mad labels)
disordered	mental hospital	unfit (mentally)
disturbed (mind)	mentally ill	unhinged (mind)
distracted	nervous (disease)	unsound in mind
distraught	nervousness (anxiety)	unstable
dulled	neurosis	unwell in relation to mental illness
fear (unfounded or extreme)	neurasthenia	vagaries
fanaticism	not in one's right mind	
feverish brain	not (quite) right in the head	
fits	obsessional	
frantic	of unsound mind	
frenzied	out of one's head	

- phrases which allude to “being normal” in context with other allusions to mental illness
- phrases which allude to not being in good health or unwell in context with other allusions to mental illness.
- phrases of unconcern or inability to realise circumstances in combination with allusions to mental illness
- physical descriptions which reinforce mental illness
- attempted suicide (deemed to happen if the mind was “unhinged” or “unsound”)
- phrases which portray abnormal (insane) thinking or behaviour

Appendix B2: Synonyms for Bad

abominable	dishonourable	odious
abhorrent	distressing	offensive
aggressive	disturbing	perverse
amoral	dreadful,	prison
appalling	egregious,	repellent,
atrocious	fiendish	reprobate
awful	foul	repulsive
baby-farmer	frightful	repugnant
bad	ghastly	revolting
barbarity	grisly	ruthless
base	hateful	sadistic
bewildering	heinous	savage
black-hearted	hideous	scandalous
bloodthirsty	horrible	shocking
brutality	horrifying	sinful
callous	horrific	sinister
cold blood	horror	terrible
contemptible	ignoble	treacherous
corrupt	immoral	turpitude
crooked	iniquitous	tyrannical
criminal	loathsome	unfortunate in context with other bad labels
cruel	low	ungodly
dark	malevolent	unholy
dastardly	malicious	unspeakable
degenerate	malignant	vicious
demonic	mean	vile
depraved	mercenary	villainous
despicable	mischief	violent
devious	monstrous	warped
devilish	morally wrong	wicked
diabolical	nasty	Wretched in context of bad
disgraceful	nefarious	wrong
disgusting	notorious criminal	wrongful

- phrases suggesting lying, dishonesty
- statements of earlier bad character (including criminal offending, drinking to excess and failure to adhere to societal expectations)
- phrases alluding to callousness or unconcern
- physical descriptions of unattractiveness or which allude to shiftiness or bad character
- phrases alluding to lack of religious faith
- phrases suggesting bad parenting or failure to uphold expected role as parent.
- gratuitous descriptions of killings which make killer appear overtly bad or evil

Appendix B3: Synonyms for Sad

abject	innocent	unfortunate (in context with other sad frames)
agonized	lamentable	unhappy
awful	misadventure	unhappiness
calamity	miserable	unlucky
catastrophe	misery	upsetting
cheerless defenceless	misfortune	vulnerable
depressed	pain (ful)	wretched in context of sad
depressing	pathetic	woeful
depression (sadness)	pitiable	
desolate	piteous	
disaster	pitiful	
disappointed	plaintive	
dismal	poor	
distracted	sad	
distress	saddening	
distressful	sadness	
dispirited	sorrow	
forlorn	sorrowful	
grief	sorry	
grief-stricken	tear-jerking	
hapless	touching	
harrowing	tragedy	
heart-breaking	tragic	
heart-rending	traumatic	

- phrases which engender sympathy through previous good character
- phrases which engender sympathy through descriptions of frailty, vulnerability or ill health
- phrases portraying good parenting and love for children
- phrases alluding to victimisation

Appendix C: Naming patterns, accused and victims, all newspapers, by gender of accused

Appendix C1: Naming patterns, accused and victims, all newspapers, by male accused

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
E (Munro)	1892	1	m	u/k	Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
J (Cooper)	1922	2	m (primary), f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
	Totals	**7**	**m=6**			**16**		**f=6 m=10**			**393**	**393**	**329**	**84**	**374**	**76**	**20**
					Father = 4	11											
					baby farmers = 2	3											
					acquainted = 1	2											

The Cooper case was included in male killers as Daniel Cooper was the primary offender

Appendix C2: Naming patterns, accused and victims, all newspapers, by female accused

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
F (Dean)	1895	2	f (primary), m	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	**10**	**f=9, m=1**			**26**		**f=13 m=13**			**435**	**435**	**278**	**64**	**435**	**123**	**28**
					Mother = 7	20											
					baby farmers = 2	3											
					acquainted = 1	3											

The Dean case was included in female killers as Minnie Dean was the primary offender

Appendix D: Naming patterns, accused and victims, all newspapers, by outcome of case

Appendix D1: Cases in which accused was hanged

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
F (Dean)	1895	2	m, f	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
J (Cooper)	1922	2	m, f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
	Totals	**5**	**f=2, m=3**			**10**		**f=5 m=5**			**249**	**249**	**238**	**96**	**230**	**70**	**30**
					Father = 1	4											
					baby farmers = 4	6											

Appendix D2: Cases in which accused was imprisoned

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
	Totals	**3**	**f=1, m=2**			**7**		**f=1 m=6**			**197**	**197**	**141**	**72**	**197**	**38**	**19**
					Mother = 1	3											
					Father = 1	2											
					acquainted = 1	2											

Appendix D3: Cases in which accused was found not guilty by reason of insanity

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
E (Munro)	1892	1	m	u/k	Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
	Totals	**6**	**f=4, m=2**			**16**		**f=7 m=9**			**150**	**150**	**141**	**72**	**150**	**30**	**20**
					Mother = 4	11											
					Father = 2	5											

Appendix D4: Cases in which charges were withdrawn due to the insanity of the accused

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	**2**	**f=2, m=0**			**6**		**f=3 m=3**			**37**	**37**	**34**	**92**	**37**	**19**	**51**
					Mother = 2	6											

Appendix D5: Cases in which charges were dismissed due to lack of evidence

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
G (Tyson)	1898	2	m, f	u/k	Parents	2	3m, 3m,	m,m	poison	Charges dismissed lack of evidence	20	20	19	**95**	20	10	**50**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
	Totals	**3**	**f=1, m=2**			**5**		**f=3 m=2**			**215**	**121**	**69**	**57**	**215**	**32**	**15**
					Mother = 1	2											
					Father = 1	2											
					acquainted = 1	3											

Appendix E: Naming patterns, accused and victims, all newspapers, by method of killing

Appendix E1: Naming patterns, accused and victims, all newspapers, by firearm death

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
	Totals	**3**	**f=1, m=2**			**8**		**f=3 m=5**			**189**	**189**	**136**	**72**	**189**	**35**	**19**
					Mother = 1	4											
					Father = 1	2											
					acquainted = 1	2											

Appendix E2: Naming patterns, accused and victims, all newspapers, by other weapon

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
E (Munro)	1892	1	m	u/k	Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
	Totals	**5**	**f=2, m=5**			**14**		**f=6 m=8**			**159**	**159**	**149**	**94**	**159**	**40**	**25**
					Mother = 2	5											
					Father = 3	9											

Appendix E3: Naming patterns, accused and victims, all newspapers, by drowning

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
	Totals	**3**	**f=3, m=0**			**9**		**f=4 m=5**			**52**	**52**	**48**	**93**	**52**	**19**	**37**
					Mother = 3	9											

Appendix E4: Naming patterns, accused and victims, all newspapers, by manual assault

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
J (Cooper)	1922	2	m, f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	**3**	**f=3, m=1**			**5**		**f=1 m=4**			**128**	**128**	**121**	**95**	**109**	**44**	**40**
					Mother = 1	2											
					baby farmers = 3	3											

Appendix E5: Naming patterns, accused and victims, all newspapers, by poisoning

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
F (Dean)	1895	2	m, f	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
G (Tyson)	1898	2	m, f	u/k	Parents	2	3m, 3m,	m,m	poison	Charges dismissed lack of evidence	20	20	19	**95**	20	10	**50**
	Totals	**4**	**f=2, m=2**			**5**		**f=2 m=3**			**125**	**125**	**122**	**97**	**125**	**49**	**39**
					Mother = 1	2											
					Father = 1	2											
					baby farmers = 2	6											

Appendix E6: Naming patterns, accused and victims, all newspapers, by arson death

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
	Totals	**1**	**f=1, m=0**			**3**		**f=3 m=0**			**195**	**101**	**50**	**49**	**195**	**22**	**11**
					acquainted = 1	3											

Appendix F: Naming patterns, accused and victims, all newspapers, familial relationship

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
E (Munro)	1892	1	m		Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
G (Tyson)	1898	2	m, f	u/k	Parents	2	3m, 3m,	m,m	poison	Charges dismissed lack of evidence	20	20	19	**95**	20	10	**50**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	13	f=9, m=4			33		F=13 m=20			**317**	**317**	**297**	**94**	**317**	**95**	30
					Mother = 8	22											
					Father = 5	13											

Appendix G: Naming patterns, of accused and victims, all newspapers, non-familial killings

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
F (Dean)	1895	2	m, f	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
J (Cooper)	1922	2	m, f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
	Totals	6	f=3, m=3			11		f=6, m=5			**531**	**437**	**329**	**75**	**512**	**114**	**22**
					baby farmers = 4	6											
					acquainted = 2	5											

Appendix H: Naming patterns accused and victims, all newspapers, by mother as accused

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	7				20		f=18 m=12			**135**	**135**	**125**	**93**	**135**	**62**	**46**

Appendix I: Naming patterns, accused and victims, all newspapers, by father as accused

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
E (Munro)	1892	1	m	u/k	Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
	Totals	4	m=4			11		f=5 m=6			**162**	**162**	**153**	**94**	**162**	**23**	**14**

Appendix J: Naming patterns, accused and victims, all newspapers, by number of victims

Appendix J1: Naming patterns in cases involving four victims

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**12**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
	Totals	3	f=2, m=1			12		f=7 m=5			65	**65**	**63**	**97**	65	8	**12**
					Mother = 2	8											
					Father = 1	4											

Appendix J2: Naming patterns in cases involving three victims

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
E (Munro)	1892	1	m		Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
F (Dean)	1895	2	m, f	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
J (Cooper)	1922	2	m, f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
	Totals	8	f=5 m=3			44		f=8 m=10			**479**	**385**	**320**	**83**	**460**	**112**	**24**
					Mother = 2	6											
					Father = 1	3											
					baby farmers = 4	6											
					acquainted = 1	3											

Appendix J3: Naming patterns in cases involving two victims

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
G (Tyson)	1898	2	m, f	u/k	Parents	2	3m, 3m,	m,m	poison	Charges dismissed lack of evidence	20	20	19	**95**	20	10	**50**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	8	f=4, m=4			14		f=4 m=10			**304**	**304**	**243**	**80**	**304**	**89**	**29**
					Mother = 4	8											
					Father = 3	6											
					acquainted = 1	2											

Appendix K: Naming patterns by local newspaper vs. metropolitan newspaper

Case	Total stories in paper A (local)	Total stories in which accused could be named Paper A	Total stories in which accused was named Paper A	**percentage of total in which accused could be named Paper A**	Total stories in which victim could be named Paper A	Total stories in which victim was named Paper A	**percentage of total in which victim could be named Paper A**	Total stories in paper B (major)	Total stories in which accused could be named Paper B	Total stories in which accused was named Paper B	**percentage of total in which accused could be named Paper B**	Total stories in which victim could be named Paper B	Total stories in which victim was named Paper B	**percentage of total in which victim could be named Paper B**
A (Whitting)	13	13	11	**85**	13	3	**23**	7	7	6	**86**	7	2	**29**
B (Walls)	13	13	10	**77**	13	5	**39**	13	13	13	**100**	13	6	**46**
C (Roil)	14	14	11	**79**	14	1	**7**	22	22	20	**91**	22	3	**14**
D (Edwards)	35	35	34	**97**	35	12	**34**	70	70	69	**99**	70	12	**17**
E (Munro)	25	25	22	**88**	25	5	**20**	24	24	23	**96**	24	3	**13**
F (Dean)	83	83	79	**95**	68	21	**30**	20	20	20	**100**	16	7	**44**
G (Tyson)	71	71	35	**49**	71	11	**16**	57	57	42	**74**	57	11	**19**
H (Wolfe)	6	6	6	**100**	6	2	**33**	6	6	6	**100**	6	1	**17**
Totals	250	250	208	**83**	245	60	**25**	219	219	199	**91**	215	45	**21**

Local vs metropolitan coverage could only be analysed in eight cases. In the other cases no local newspaper was available for examination

Appendix L: Naming patterns of accused and victims, all newspapers, by decade

Appendix L1: Naming patterns of accused and victims, all newspapers,1870s

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
A (Whitting)	1872	1	f	35	Mother	3	8y, 4y, 10m	m,m,m	drowning	Guilty of murder, sentenced to death, commuted	20	20	17	**85**	20	5	**25**
B (Walls)	1875	1	f	40	Mother	2	8y, 6y	m, f,	assault with axe	Not guilty by reason of insanity	26	26	23	**89**	26	11	**42**
	Totals	**2**	**f=2, m=0**			**5**		**f=1 m=4**			**46**	**46**	**40**	**87**	**46**	**16**	**35**
					Mother = 2	5											

Appendix L2: Naming patterns of accused and victims, all newspapers,1880s

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
C (Roil)	1884	1	f	u/k	Mother	2	2y, 6m	m, f,	drowning	Not guilty by reason of insanity	20	20	19	**95**	20	11	**55**
D (Edwards)	1884	1	m	34	Father	4	7y, 5y, 3y, 1y	m,f,m,f	cut throats	guilty of murder, sentenced to death, hanged	41	41	39	**95**	41	3	**7**
	Totals	**2**	**f=1, m=1**			**6**		**f=3 m=3**			**61**	**61**	**58**	**95**	**61**	**14**	**23**
					Mother = 1	2											
					Father = 1	4											

Appendix L3: Naming patterns of accused and victims, all newspapers,1890s

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
E (Munro)	1892	1	m	u/k	Father	3	6y, 5y, 9m	m,m,f	assault with flat iron	Not guilty by reason of insanity	36	36	31	**86**	36	4	**11**
F (Dean)	1895	2	m, f	59, 50	Baby farmers	3	3y, 1y, 1m	m,f,f	poison	Male, not guilty, Female, guilty of murder, sentenced to death, hanged	105	105	103	**98**	105	39	**37**
G (Tyson)	1898	2	m, f	u/k	Parents	2	3m, 3m,	m,m	poison	Charges dismissed lack of evidence	20	20	19	**95**	20	10	**50**
H (Wolfe)	1899	1	m	32	Father	2	5y, 3y	f,m	shooting	Guilty of murder, sentenced to death, commuted	49	49	47	**96**	49	8	**16**
	Totals	**6**	**f=2, m=4**			**10**		**f=4 m=6**			**210**	**210**	**200**	**95**	**210**	**61**	**29**
					Father = 2	5											
					baby farmers =2	3											
					Parents= 2	2											

Appendix L4: Naming patterns of accused and victims, all newspapers,1900s

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
I (Minns)	1901	1	f	23	Acquainted	3	14y, 13y, 6y	f,f,f	arson	Charges dismissed lack of evidence	195	101	50	**49**	195	22	**11**
	Totals	**q**	**f=1, m=0**			**3**		**f=3 m=0**			**195**	**101**	**50**	**49**	**195**	**22**	**11**
					acquainted = 1	3											

Appendix L5: Naming patterns of accused and victims, all newspapers,1920s

Case	Date	No. of accused	Gender	Age	R'ship to victims	Number of child victims	Age	Gender	Method	Outcome of case	Total stories	Stories in which accused could be named	Total stories in which accused was named	**% of total in which they could be named**	Stories in which victim could be named	Total stories in which victim was named	**% of total in which they could be named**
J (Cooper)	1922	2	m, f	41, 29	Baby farmers	3	7d, 7d, 7d	f,m,m	assault	Female, not guilty, Male guilty of murder, sentenced to death, hanged	103	103	99	**96**	84	28	**33**
K (Higgins)	1923	1	m	57	Acquainted	2	13y, 9y	m, m	shooting	Guilty of murder, sentenced to death, commuted	128	128	77	**60**	128	25	**20**
L (Hart)	1925	1	f	30	Mother	3	5y, 3y, 1y	m,m,f	cut throats	Not guilty by reason of insanity	20	20	20	**100**	20	14	**70**
M (Page)	1926	1	m	35	Father	2	3m, 3m,	m, f,	cut throats	Not guilty by reason of insanity	36	36	36	**100**	36	8	**22**
N (Perrin)	1926	1	f	39	Mother	4	6y, 3y, 2y, 6m	f,m,f,f	drowning	Charges withdrawn till mother sane enough for trial	12	12	12	**100**	12	3	**25**
O (Rae)	1927	1	f	24	Mother	4	4y, 3y, 1y, 8m	f,m,m,f	shooting	Not guilty by reason of insanity	12	12	12	**100**	12	2	**16**
P (Cubis)	1929	1	f	40	Mother	2	3y, 3y	m,m	strangulation	Charges withdrawn till mother sane enough for trial	25	25	22	**88**	25	16	**64**
	Totals	**8**	**f=5, m=3**			**20**		**f=8 m=12**			**336**	**336**	**278**	**83**	**317**	**96**	**30**
					Mother = 4	13											
					Father = 1	2											
					baby farmers = 2	3											
					acquainted = 1	2											