

News, Truth, and the Recognition of Corporate Crime¹

John L. McMullan

Sociology and Criminology, Saint Mary's University

Le présent article présente une analyse de la façon dont les médias ont accepté et continué d'accepter comme véridiques les informations relatives à l'explosion survenue dans la mine Westray et les répercussions de cet accident entre 1992 et 2002. Cet analyse porte sur 1972 reportages et fait appel à la notion de «politiques de la vérité» élaborée par Michel Foucault et aux idées de Stanley Cohen sur le déni culturel afin de mieux comprendre l'organisation sociale sous-jacente à la production de nouvelles et le rôle qu'ont joué les médias qui ont reçu et diffusé la «vérité» communiquée par Westray, alors que l'entreprise et les instances gouvernementales étaient confrontées à des accusations. L'auteur avance que les comptes-rendus de la vérité étaient diversifiés et divergents et qu'ils ont engendré divers «régimes de vérité» autour d'un accident naturel, d'une tragédie au plan juridique et d'un scandale politique. Mais une chose faisait défaut en regard de ces comptes-rendus diversifiés, c'est-à-dire une discussion des incidences sociales de la criminalité des entreprises. Cela a mis en lumière la capacité limitée des médias de communiquer la vérité aux puissantes instances de l'entreprise et de l'État, le fait que leur version de la vérité a été amenée à coïncider avec celle des gens exerçant le pouvoir et le fait que la criminalité des entreprises a été rendue invisible dans la culture populaire.

This article is a study of how the press registered and re-registered news as truth about the Westray explosion and its aftermath from 1992 to 2002. The research examines 1,972 news stories and uses Michel Foucault's concept of the "politics of truth" and Stanley Cohen's ideas about cultural denial to understand the social organization of news production and the implications of the media for witnessing and accounting for Westray's "truth" when corporate and state institutions stand accused. I argue that truth-telling exercises were diverse and divergent and produced "regimes of truth" around natural accident, legal tragedy, and political scandal. But the absence in the presence of these varied truth-telling exercises was a social vocabulary of corporate crime. This absence marked the limit of the press's ability to tell the truth to powerful corporate and state interests, the place where their truth-telling was made coincident with the exercise of power and where workplace crime was made invisible in popular culture.

Introduction

At 5:20 a.m. on 9 May 1992, an explosion ripped through a coal mine in Plymouth, Nova Scotia, killing 26 miners, 11 of whom remain buried there to this day. According to the report of the Westray Mine Public Inquiry, sparks from the cutting head of a continuous mining machine ignited methane gas, creating a fire and explosion that then stirred up coal particles, creating a coal-dust explosion. The explosions were so strong that they blew the top off the mine entrance, more than a mile above the blast centre (Richard 1997). Every year on that day the families and friends of those killed gather at Their Lights Shall Always Shine Memorial Park to remember the dreadful deaths. This day remains a symbolic signifier of loss, a time when the deeply private becomes public again. It brings together not only the bereaved but, as well, the print and broadcast media who report the remembering to regional and national audiences.

Westray is now an event etched in popular culture. Films, stage dramas, museum exhibits, radio shows, documentaries, poems, and fiction have memorialized it. Among the public, Westray connotes a range of emotions: sorrow, anger, and shame are arguably the most common. Yet 12 years afterward the "truth" of Westray remains a highly contested matter. Regulatory agencies filed 52 violations of the Occupational Health and Safety Act against Curragh Resources and their mine managers but then dropped them in favour of criminal charges of manslaughter and criminal negligence (Jobb 1994, 1999). The criminal trial, which cost an estimated \$4.5 million, ended in a mistrial and a staying of all charges against the Westray accused (Beveridge and Duncan 2000). The public inquiry, which cost a further \$4.8 million, concluded that the disaster "was a complex mosaic of actions, omissions, mistakes, incompetence, apathy, cynicism, stupidity, and neglect," but criminal blame was never allocated (Richard 1997: viii). Nor have civil actions fared any better. The Supreme Court of Canada concluded that the Nova Scotia government could not be held accountable for the Westray deaths, even if it was negligent in licensing and administering an unsafe mine. The families of the bereaved and miners remain convinced that answers to the questions What happened? Who is responsible? have not been satisfied (Comish and Comish 1999; Dodd 1999). Fully 85% of 52 relatives recently interviewed felt that blame had not been adequately attributed for the loss of life, and 58% felt that justice still had not been done (Davis 2003: 6).

This article is part of a larger study of truth-telling institutions surrounding the Westray disaster: the medical examinations, the criminal trial, the public inquiry, and the delivery of justice. Here I focus on how the print media registered and re-registered news as truth about the explosion from 1992 to 2002. Using Michel Foucault's (1980a, 1980b, 1991b, 1991c) concept of the "politics of truth" and Stanley Cohen's (2001) ideas about cultural denial, I analyse the shifting media discourses about Westray and study how "regimes of truth" were produced and reproduced. I argue that news production was a contested site of cultural production (Ewick and Silbey 1995: 206–209). On the one hand, the press constituted Westray within several media frames, and news development evinced a plurality of messages at odds with preferred readings of the powerful. On the other hand, the press closed off a discourse of political economy and imagined crime from their reporting, even though there was ample evidence of criminal conduct involving manslaughter for failing to keep coal dust in the mine in check and negligence in operating an unsafe mine: inadequate equipment, poorly trained employees, no proper methane-control or stone-dusting plans, and tampering with the mine's design without proper approval.

In what follows, I first discuss the relationship between truth, power, and representation in the news-making process; second, I outline the methodology of the study; third, I describe the findings of the research – the discursive connotations, absences, and registrations of news-truth; and, finally, I analyse the transformation of truth regimes and draw out the implications of the print media on witnessing and accounting for Westray's "truth" and "justice" when corporate and state institutions stand accused.

Power, discourse, and news

It is important to consider the process of the production of truth and the exercise of power. Truth is a difficult concept. Its definition, identification, and verification are rarely uncomplicated and almost always implicated in complex political and communicative processes involving perception, representation, and interpretation (Arendt 1971, 1972; B. Williams 2002). Yet medical, legal, and media institutions all claim, at least in theory, to offer mechanisms and procedures by which "truth" can be evaluated, confirmed, or denied (Gilligan and Pratt 2004; Rotberg and Thompson 2000). But the evidence-bound character of these truth-seeking agencies is not separate from the political context of the production of truth. The balancing of personal

rights and freedoms, the entanglements of complicated laws, and the forgetfulness of "official memories" expose the myth of any simple truth and confirm that establishing "the facts" is not without controversy. Indeed, truth construction is increasingly about manipulating information so as "to hide a presence from awareness" and avoid confronting "anomalous information" (Cohen 1993: 104).

The press functions as an important site for the production and dissemination of "truth." Mediated knowledge, whereby lived experience is transmitted to news narrative, is usually accomplished via routine electronic or print-based media systems and depends on a number of distinct but interrelated factors that are extrinsic to an event's seriousness: geopolitical interests, market needs, advertising policies, organizational budgets, access to and control of information sources, cultural priorities and newsworthiness, and dominant discourses that enable, guide, and sustain news coverage. On the one side are investments, markets, conglomerates, and monopolies; on the other side are lobby groups, political agendas, and the power to censure (Barak 1994, 2003; Herman and Chomsky 1988; Iyengar 1991; Hall, Critcher, Jefferson, Clarke, and Roberts 1978; McQuail 1992; Rock 1973; Surette 1998). Moreover, news making is also guided by intrinsic factors: editorial politics, story screening, the rhythms of the newsroom, the subculture of journalism, and cognitive conceptions of "audience interest" are all designed to shape the discursive content of the sayable. Reporters typically over-represent the harm and criminality of those most vulnerable to authoritative labelling (Chibnall 1977; Ericson, Baranek, and Chan 1989, 1991; Kappeler, Blumberg, and Potter 2000) and under-represent the harms caused by the powerful (Burns and Orrick 2002; Lofquist 1997; Lynch, Stretesky, and Hammond 2000; McMullan and Hinze 1999; Randall, Lee-Sammons, and Hagner 1988; Wright, Cullen, and Blankenship 1995). As Sandra Evans and Richard Lundman observed two decades ago, "newspapers protect corporate reputations by failing to provide frequent, prominent and criminally oriented coverage of common corporate crimes" (1983: 539). When business crime is reported, it tends to be concentrated in up-market newspapers or on specialist pages and to be framed in ways that demarcate it from "real" crime (Barak 1994, 2003; Tombs and Whyte 2001).

Notwithstanding the volume of potential stories, the diversity of media forms, and the number of presentational styles, the press remains rather conventional in its representation of the news (Gamson, Croteau, Hoynes, and Sasson 1992; Reiner 2002).

The news media, as an institution of social control, reproduce order in the process of representing it (Ericson et al. 1991: 74). The rules for the production of statements emphasize importance (what the public must know), immediacy (the present), interest (audience support), personalities, (individuals), credibility (authoritative sources), sensationalism (binary categories), and recollection and retelling (Fleras and Lock Kunz 2001: 70; Tumber 1993). As Raymond Williams observes, the communicative relationship is about power, "that deep sense of priority and legitimacy which is assigned both authority and responsibility to certain public sources of news and interpretation" (1989: 117).

The "media beast," to borrow Cohen's (2001) phrase, proclaims and confers legitimacy on truth. "We are subjected to the production of truth through power and . . . power never ceases its interrogation, its inquisition, its registration of truth; it institutionalizes, professionalizes and rewards its pursuit" (Foucault 1980a: 131). Like power, truth is a phenomenon that flows through the mechanisms, practices, and rituals through which it is deployed. As Foucault notes, there are four questions about truth telling that are of vital importance: "who is able to tell the truth, about what, with what consequences, and with what relation to power" (2001: 151). For the most part, the press is involved in the production of *official* discourses that form part of a society's "general politics of truth": the appropriate political technologies of truth discovery, the enunciations that a society deems acceptable or not, the mechanisms it uses to judge true and false statements, the sanctioning of statements, and the valorization of claim makers as truth sayers (Foucault 1980c: 137). Thus the news-production process is structurally and culturally loaded. As Morton Mintz notes of his years as a journalist, the "pro-corporate" tilt in newsrooms may be "conveyed by editors at a daily news conference by silence, or it may take the form of self-censorship" (1991: 9).

The authority of the press is not only institutional but extends to the ordering of societal knowledge and is linked to "systems of power which produce and sustain it, and to effects of power which it induces and which extend it" (Foucault 1980a: 133). What the press typically produces are "regimes of truth": discursive practices marked by rules that define the "limits and forms of the sayable," condition discursive performance, and situate discourses among other discourses and non-discursive institutions (Foucault 1991a, 1991b, 1991c, 1988a, 1988b). "Regimes of truth" may be dominant or subordinate, depending on

relations of power and authority. On the one hand, state and corporate capital are sophisticated "in defending bad news and trafficking in good news" (Ericson et al. 1991: 14). On the other hand, the exercise of power provokes exercises of resistance, and the status of truth is never absolutely determined. As Joseph Rouse notes, "to make truth-claims is to try to strengthen some epistemic alignments, and to challenge, undermine, or evade others" (1994: 112). Truth, then, is dynamic. It invests people and exerts pressure on them, just as they themselves, in the struggle over truth, resist its grip on them. Dominant forms of knowledge may therefore fall into disuse, while "subjugated" knowledges may move to the discursive centre and be validated (Foucault 1980d: 82).

The relationship between power, truth, and news is often organized in a highly specific fashion. "Truth" is often registered by and through professionals who strategically frame and order social issues. Scientists, doctors, lawyers, and politicians, to name a few, produce "official discourses" and structure the effects of power through claims making. In turn, their disciplines are accredited as expert knowledges about health, war, genocide, crime, the economy, social disasters, and the like (Becker 1963, 1967; Brown 2004; Scraton, Jemphrey, and Coleman 1995; Scraton 1999). In Foucault's words, they display "calculated, reasoned prescriptions" which act as "grids for the perception and evaluation of things" (1991c: 81): technical investigations, scientific studies, medical boards, criminal trials, public inquiries, and news making. It is where institutional and professional discourses intersect that "views from above" become strategically organized and rationalized, while "views from below" become disputed and disqualified. Hannah Arendt (1971, 1972) and Stanley Cohen (2001) identify four forms of official denial: (a) literal denial, or the politics of lying - "nothing is happening"; (b) interpretive denial - "what is happening is really something else"; (c) implicatory denial - "what is happening is justified"; and (d) passive denial. *Literal denial* amounts to rearranging damaging information into innocuous narratives. *Interpretive denial* is the standard alternative to literal denial: "Admit the raw facts but deny the interpretive framework placed on the events" (Cohen 2001: 105). It is more complex and entails claims and counter-claims. *Implicatory denial*, however, recontextualizes wrongdoing and justifies it in a language of righteousness ("justice had to be swift"), necessity ("we had to do it"), self-defence ("they deserved it"), context ("you can't see the whole picture"), or favourable comparison ("look what they did"). While these three forms of denial approximate excuses, *passive denial* pays no

attention to the situation at all. Silence signals the absence of a problem to those interests it seeks to protect (Cohen 2001: 103).

Taken together, these vocabularies of denial are primary manifestations of the exercise of power and the production of official truth. Yet official viewpoints may not always dominate. Truth works from the bottom up as well. There is a dynamic to truth whereby subjugated knowledges come to challenge established practices of claims making. Truth commissions and public inquiries, for example, have validated victims' experiences of suffering and provided spaces for subaltern perspectives to be heard and officially recognized (Gilligan and Pratt 2004; Tucker 1995). Powerful people have been forced to confront some uncomfortable truths about the use of their power. Thus, news discourse may be both an instrument of power and a starting point for an opposing conception of reality. News, in this view, can confront official truth telling in a language that promotes the need to know over the freedom to terrify or titillate (Gamson et al. 1997: 373; Perez-Lugo 2004).

How, then, was power exercised in the aftermath of the Westray explosion? What were the press procedures for the production, registration, and circulation of truth about Westray? What was written in, and what was written out, over the ten-and-a-half years of news coverage?

Studying the press and Westray

Before analysing the news coverage, it is important to outline several methodological matters. First, I have situated media reporting in a relational field in order to understand the constitutive and reproductive elements of news construction and circulation. The key issue is how the media governed themselves and others by the production of truth. I have used content analysis as a primary investigative tool for uncovering discourses and combined this quantitative approach with a qualitative evaluation of overt and covert connotations (Coffey and Atkinson 1986: 62; Dominick, 1978: 106–107; Maxfield and Babbie 2001: 329; Neuman 2003: 313; Riffe and Freitag 1997). A denotative strategy highlights the literal texts of news stories, while a connotative strategy considers the signifying capacity of the texts for registering and re-registering latent messages in the reporting. I conducted the study at the representational level, and I did not evaluate the readers' receptions or interpretations of Westray news narratives. The categories selected for quantification,

however, presuppose that the press produced "preferred readings" that worked to demarcate the life world of their readers, promoting certain responses over others. As Robert Reiner (2002: 378) observes, senders and receivers of the news share "a theory of meaning" that allows for either stable, transparent readings of events or ambiguous and contested readings that are resistant to dominant narratives (Gamson et al. 1992).

Second, I selected the *Chronicle Herald* because it was, and remains, the predominant print news organization in Nova Scotia, with a readership of 325,000. The *Chronicle Herald* structured the event in thought, memory, and word; it included public data; information on community leaders; and invaluable stories, letters, opinions, photographs, cartoons, announcements, and special features that were used to constitute and reconstitute community values about the explosion and its aftermath. This has allowed me to understand how and why power/knowledge relations between reporters and news sources were structured into "truth regimes" and how and why truth was transformed as the community came to terms with the disaster and its socio-legal aftermath. I sampled broadly, using "Westray" as my search term, and obtained a total working sample of 1,972 news documents. For analytical purposes, I divided the sample into three time intervals: (1) 9 February 1992 to 31 December 1994; (2) 1 January 1995 to 31 December 1997; and (3) 1 January 1998 to 9 August 2002. The first interval was the time of rescue, recovery, and intense public interest in Westray. The second included extensive coverage of the judicial actions surrounding the disaster. The third involved official and public responses to Justice Richard's public inquiry report, the ten-year anniversary of the Westray explosion, and the Supreme Court's decision on civil compensation for the bereaved families.

Third, I developed some of my content categories specifically for this research; others I borrowed from previous studies (Ericson et al. 1989, 1991; Goff 2001; Wright et al. 1995; Lofquist 1997; Chermak 1995; Cavender and Mulcahy 1998). The form of news coverage was measured by three indices: the type of news coverage, the placement of news reports, and the type of news story producers. Each news report was also coded according to its narrative content. I emphasized the independence of content categories in assigning values, and I was exhaustive in including as many sources and discourses as possible. Coded items were placed in only one category and treated as mutually exclusive. Seven news discourses were identified: (1) the discourse

of human tragedy; (2) the moral-outrage and social-reform discourse; (3) the law-and-order discourse; (4) the political and regulatory failure discourse; (5) the discourse of legal disaster; (6) the political-economy discourse; and (7) "other" indexed news reports not represented by any of the above discourses. Each content and source category was then examined on a time-interval basis that allowed for the study of frame developments, discursive transformations, and narrative absences. Finally, the extent to which reporters developed a discourse of corporate crime was measured by coding answers to the following questions: did journalists constitute cause, harm, and blame and responsibility in their coverage of the Westray explosion and its aftermath? Did reporters represent intent and morality as they related to culpability in their reporting of Westray and its aftermath?

The press and the production of Westray's truth

The social form of news coverage

So what precisely was the form of news coverage of Westray? From 1992 to 2002, news coverage consisted mostly of primary-type stories: 68% in interval 1, 79% in interval 2, and 66% in interval 3. Journalists focused directly (75%) on the events central to the Westray explosion and its aftermath in their coverage; only 15% emphasized secondary issues, and 10% had a tertiary focus. Consistent with the type of news stories, the number of stories with a primary focus was highest in the second interval (83%), intermediate in the first interval (73%), and lowest in the third interval (67%). News narratives indexing a secondary focus in the coverage were consistent for the first two intervals at 13%, then increased in the third interval to 23% of all news. News coverage with an indirect tertiary focus was also highest during the first interval (14%) but declined to 4% in the years 1995–1997 (the second interval) and returned to only 10% of coverage in the third interval.

Almost half of the news produced about Westray was recorded between 1992 and 1994. Fifty-four percent was located in the A section of the newspaper (pages A2 and onward), and an additional 22% appeared on the front page (A1). While volume diminished from 939 news reports in interval 1 to 362 items in interval 3, the percentage of news stories placed in the A section of the *Chronicle-Herald* increased, from 49% in the first interval, through 54% in the second interval, to 70% in the third interval. About one-quarter of all stories were

Table 1: Placement of news stories by period, tracked over time

Placement of stories	Interval 1 ^a N (%)	Interval 2 ^b N (%)	Interval 3 ^c N (%)
Front page	230 (24.5)	161 (24.0)	41 (11.3)
Section A	460 (49.0)	360 (53.6)	253 (69.9)
Editorial page	18 (1.9)	2 (0.3)	3 (0.8)
Sectional front page	90 (9.6)	65 (9.7)	22 (6.1)
Other inside page	141 (15.0)	83 (12.4)	43 (11.9)
Total	939	671	362

^aFebruary 1992–December 1994

^bJanuary 1995–December 1997

^cJanuary 1998–August 2002

front-page news from 1992 to 1997, but the percentage declined to about 10% from 1998 to 2002.

Seven in 10 news stories were ordinary reports, followed by court reports (11%), editorials (9%), feature stories (3%), cartoons (3%), other (2%), and entertainment (1%). Westray news was produced primarily by journalists. Reporters accounted for 84% of the news in interval 1, 87% in interval 2, and 88% in interval 3; editors produced 4% of the news in interval 1, 6% in interval 2, and 7% in interval 3. Newswires accounted for 8% of the news production in the first interval, 3% in the second, and 2% in the third. Opinion stories, editorials, and commentaries accounted for 9%, 7%, and 12%, respectively, of all Westray news written over the study period. Cartoonists were alternative producers of news who provided satirical images rarely found in other texts, but they never accounted for more than 4% of the news produced in any interval.

The focus, story placement, and type of story indicate an important development brought about by the public inquiry. As the inquiry unfolded, newsworthiness increased, as demonstrated by the rise in the production of primary-focus stories between the first and second intervals (73% to 83%), even though the total volume of news reporting declined from 939 to 671 stories. The proportion of section A stories also increased in the second interval, while the proportion of front-page stories remained consistent at about 24%. During the third interval, however, primary-focus coverage and front-page coverage declined while secondary- and tertiary-focus coverage increased. So the end of the public inquiry in late 1997 precipitated

both a downturn in the newsworthiness of Westray and, as we shall see, a qualitative re-registration of news discourses.

News discourses

The most frequent denotative cluster was the discursive formation of legal disaster (31%). Reporters commonly covered the regulatory process, the criminal-justice proceedings, and the constitutional conflicts over the criminal trial and the public inquiry, evoking a powerful set of legal signifiers that emphasize Westray as primarily a juridical phenomenon. Narratives are technical, formal, formulaic, and coded in play-by-play "he said ... she said" statements that narrate the legal logics of accusation and defence. The polemical style works to suppress the violent effects of the explosion, to exceptionalize its meaning, to re-frame human suffering as legal tragedy, and to distance the corporation from the consequences of the event (see Table 2). The next most common discourse was human tragedy (17%). The general impression conveyed by this reporting is that the violence, death, and suffering were the result of capricious causes: Westray was a natural accident! Coal was "in the blood," and dying underground was a brave but necessary risk that miners knew and their families accepted:

The Westray bump is ... an awesome testament to the courage of those who go down to the deeps ... advanced technology ... hasn't changed the equation. It is still brave men toiling in the face of unseen danger in the dark. The risks are still there; the men still go knowingly to meet them.
(*Chronicle Herald*, 11 May 1992: C1)

Political-economy narratives followed at 13% of the coverage. Here reporters narrated Westray as a disaster in the making conditioned by economic forces and state actions and inactions:

No one has yet made a link between inspector MacLean's apparent unwillingness to act and the provincial government then headed by local Tory hero, Donald Cameron [premier of Nova Scotia from 1991 to 1993]. It was Cameron ... who helped secure \$100 million in government financing and loan guarantees for a project which at least one company had already deemed a sure money-loser ... area politicians pursued the Westray project as a savior for the hard-pressed region and possibly for their own political fortunes ... (*Chronicle Herald*, 30 March 1996: B2)

Furthermore, a persistent percentage of stories (13%) also characterized the explosion and its aftermath in a discourse of regulatory failure that emphasized state negligence and official incompetence:

Mr. Cheverie [a miner] . . . was worried about roof conditions and lack of stone-dusting, which reduces the explosiveness of coal dust. "I asked him [an inspector] point blank if he had the power to shut the mine down if they weren't doing things properly," he said. And he told me . . . I had the right to refuse work if I felt it was unsafe . . . but he led me to believe that he would be no help to me. Here I thought I would find an ally in safety and really, it was presented to me that I didn't have anyone to turn to." (*Chronicle Herald*, 19 January 1996: A1)

But the press was much less likely to portray Westray in the language of moral judgement. Only 6% of the coverage evinced outrage at the loss of life and the aftermath of legal failure, and, relatedly, only one in 10 news stories cast Westray within a law-and-order discourse signifying precise offender/victim relationships and criminal culpability.

Some interesting patterns emerge, however, when we examine news production by time period. News reports that map the political-economic context accounted for 25% of the coverage during the first interval. If we add narratives that register connections between the explosion and regulatory matters, then 38% of the sample in interval

Table 2: Type of news discourse by period

Type of discourse	Interval 1 ^a	Interval 2 ^b	Interval 3 ^c
	N (%)	N (%)	N (%)
Human tragedy	205 (21.8)	59 (8.7)	79 (21.8)
Moral outrage and social reform	39 (4.1)	29 (4.3)	53 (14.6)
Law and order	48 (5.1)	118 (17.6)	24 (6.6)
Political and regulatory failure	129 (13.7)	83 (12.4)	47 (13)
Legal disaster	193 (20.7)	304 (45.4)	120 (33.2)
Political economy	231 (24.6)	16 (2.4)	17 (4.7)
Other	94 (10.0)	62 (9.2)	22 (6.1)
Total	939	671	362

^aFebruary 1992–December 1994

^bJanuary 1995–December 1997

^cJanuary 1998–August 2002

one record Westray in a language suspicious of official institutions and claims. Legal narratives were also fairly high as a percentage of all stories in the first interval (21%), and news that emphasizes the tragic and human-interest elements of the disaster amounted to about the same proportion of the coverage (22%). What followed from much of this coverage, however, was not actual reporting on law and safety so much as the mobilization of safety issues to construct a different discursive formation whereby the voices of the workers were overshadowed by the voices of politicians and experts, while inanimate natural forces, not organizational decisions, were often blamed for the explosion. Hints of corporate wrongdoing and regulatory impropriety were crowded out by discursive narratives that emphasize the anonymity and unpredictability of the explosion and that code and recode the emotional overtones of the disaster: resetting the explosion, applauding the rescue efforts, exploring the structure of family feelings, and drawing out community pain and suffering. The preferred news response to workplace violence was a disavowal of knowledge of human causes.

This pattern changed during the second interval. Legal narratives more than doubled (to 45%) in the coverage, and the tone of the reporting includes an emerging law-and-order discourse that accounted for about 18% of all news produced between 1995 and 1997. The press started to constitute Westray as a violation of regulatory and criminal laws, but they simultaneously recast and downplayed the structural context of the explosion. This law-and-order narrative signifies wayward *respectable individuals* and conveys the message that the cause of the explosion was "bad people" functioning poorly in an otherwise "good system" of resource extraction and production. During the third time interval, the discourses of legal disaster and law and order declined to 33% and 7% of coverage respectively. The human-tragedy discourse, on the other hand, resurfaced, increasing from 9% to 22% of the coverage, and narratives emphasizing political incompetence and negligence increased slightly (from 12% to 13%). While one in five news narratives questions the role of the state and corporate capital in the explosion, the news did not "highlight" safety and regulatory failure in the coverage, least of all in the later years, when there was strong evidence to encode it. But the press did start to register more moral reservations about Curragh Resources and the government, up from 4% of coverage in interval 2 to 15% in interval 3.

The relative absence of a social vocabulary of crime

Journalists, however, did not mobilize a discourse of corporate crime. In the first time interval, 70% of news narratives do not mention cause; the same is true of 72% in the second interval and 85% in the third interval, even though more information concerning the origins of the explosion was uncovered in the courts and in the public inquiry. There was, however, a minority of reporting that frames the explosion in a language of individual causation. During the first time interval, 16% of news coverage identifies individual wrongdoing as the cause of the explosion. This proportion increased to 21% in the second interval, then fell to 7% in the years from 1998 to 2002. The following illustrates the "personality" approach to news representation:

Jack Noonan, the Labour Department's executive director of occupational health and safety, was let go... the Nova Scotia Federation of Labour said it had lost confidence in Mr. Noonan's ability to serve as the province's top safety official. Claude White, the former director of mine safety, testified last month he was unable to convince Mr. Noonan to commit more money to monitoring Westray... the department had referred Mr. Noonan to the Nova Scotia Commission on Drug Dependency. He was undergoing treatment when the explosion occurred. Inquiry lawyer John Merrick has referred to Mr. Noonan's problem only as a "disability." Union official Robert Wells has been more blunt, telling the inquiry Mr. Noonan had a "drinking problem on the job." One of Mr. White's memos to Mr. Noonan, outlining the need for engineering assistance to monitor Westray, came back with sarcastic comments scrawled in the margins. "It's his style to be abrasive" noted Mr. White... (*Chronicle Herald*, 10 June 1996: A5)

Organizational causes were even less likely to be embedded in the news narratives: 6%, 4%, and 8% in intervals 1, 2, and 3 respectively. Workers were hardly ever represented as causal agents, and "nature as cause" was expressed mostly in the first interval (7%, 1%, and 1%). Overall, cause was marginal in the news coverage, which is often disaster writing without a precise explanation.

The press did try to narrate the harm of the explosion and its aftermath. Eighteen percent, 27%, and 12% of the news narratives (by interval) constitute the *direct* harm of the explosion. Stories focus on death and emphasize the sacrifice and suffering that bereaved families endured with grace and dignity. Stories also document the

communal (10%, 1%, 4%) and residual (9%, 4%, 13%) harms of the explosion. But the most striking finding was the degree to which harm was not signified. Indeed, this absence intensified with time, from 63%, to 68%, to 72% of the coverage not representing it at all. When harm is discussed in these stories, it is usually framed in the vocabulary of sudden shocking death, "great human courage pitted against great natural hazards," "a history of hope and fortitude and heartbreak in the face of unbearable tragedies" (*Chronicle Herald*, 11 May 1992: C1) and, later, in a reflexive language of justice denied: "no accountability," "false starts," "vague criminal charges," "court challenges," "stayed proceedings," "the frustration of the bereaved with the Nova Scotia Justice system" (*Chronicle Herald*, 8 May 1997: C1). Reporters wrote even less about intent, which is not mentioned in 87% of news coverage in the first interval, 79% in the second interval, and 93% in the third interval. When it is narrated, intent is usually constructed as overt: 10% of coverage in interval 1, 17% in interval 2, and 2% in interval 3. The following story raises the spectre of corporate negligence and intentional wrongdoing:

... the ventilation system was routinely tampered with, and the ... the sealed-off area was leaking gas ... you have the ingredients for a methane explosion ... [Inquiry lawyer] Merrick, however, dismisses that theory as "simplistic." ... It ignores the fact bosses bullied miners who complained about working conditions or refused to do hazardous work. And it conveniently overlooks the role of coal dust, which most mining experts agree gave the Westray explosion its lethal, mine wrecking power. But Westray miners say managers never established a stone dusting routine and allowed a thick layer of coal dust to build up underground. Lack of stone dusting is the main allegation underlying the criminal charges against Phillips and former underground manager Roger Parry. (*Chronicle Herald*, 1 June 1996: C1)

But these types of discursive signifiers, while powerful, are relatively rare. Indeed, intent was still rather marginal in the coverage from 1995 to 1997; even while the juridical investigations were front and centre, the press reported overt and indirect intent in only 21% of the news coverage.

Attributions of blame and responsibility also appear only occasionally in the news coverage. These issues are not discussed in 78% of the coverage in the first interval, 73% of the second interval, and 85% of the third interval. When they are coded, the coverage is ambiguous as

to who should be held accountable. In the first time period, reporters attributed blame to Westray managers 9% of the time, to senior politicians and corporate executives 5% of the time, and to a combination of sources 6% of the time (i.e., mine managers and politicians, but not corporate executives). In the second interval, attributions of blame and responsibility shifted to middle-level mine managers and regulatory officials, who, together, are identified in about 25% of the coverage. But narratives that attributed blame and responsibility to respectable personalities earlier in the coverage were recast in the last four years of the coverage, with more than 85% of news reports not mentioning individual or organizationally based blame at all. Acknowledging moral closure, whereby the press reinforces social rules and community norms in its storylines was largely absent as well. Ninety-two percent, 77%, and 65% of news narratives, respectively, do not encode it at all. When mentioned, resolutions were more prominently displayed in the news coverage in the second time period. There were increases in narratives expressing criminal resolution (from 4% to 7%), regulatory resolution (from 1% to 3%), and the use of the public inquiry to arrive at truth and justice (from 0 to 9%).

Overall, the press mobilized a minor vocabulary of crime control only after official legal processes authorized this as a legitimate course of action. It was not until the third interval that reporters seriously signified political and legal reforms (from 3% to 18%) and civil compensation (from 1% to 16%) as resolutions to the Westray tragedy in their news narratives. Nor, it must be said, was the press inclined to write much in the language of moral disapproval: 73% of news stories in intervals 1 and 2 and 87% in interval 3 do not frame it at all. When this category does appear, the press seems first inclined to represent individuals as immoral but not as criminals. In the second interval, attributions of individual criminality are embedded in moral language in 23% of the coverage and attributions of non-criminal immorality declined to less than 1% of the news reporting. Finally, in interval 3 there was a dramatic reversal in the attribution of individual criminality (down to 1%) and a reframing of moral terminology as emblematic of systemic immorality and criminality (up from 3% to 10%). But unlike news reporting of conventional crimes, which dramatizes harm, blame, cause, intent, and moral resolution as a representational reality, the press coverage of Westray did not lead to what Cavender and Mulcahy (1998) call a "crime news frame" (McMullan 2001).

Table 3: Sources of the news by period

Type of source	Interval 1 ^a	Interval 2 ^b	Interval 3 ^c
Company	155 (10.6)	60 (6.9)	11 (2.1)
Regulatory	130 (8.9)	69 (8.0)	47 (9.0)
Police	46 (3.1)	27 (3.1)	4 (0.8)
Legal	201 (13.7)	335 (38.7)	112 (21.5)
Expert	52 (3.6)	57 (6.6)	15 (2.9)
Citizen	230 (15.7)	119 (13.7)	67 (12.8)
Politician	269 (18.4)	48 (5.5)	92 (17.6)
Government	196 (13.4)	75 (8.7)	79 (15.1)
Labour	87 (6.0)	20 (2.3)	43 (8.2)
Private Industry	38 (2.6)	30 (3.5)	40 (7.7)
Other	42 (2.9)	14 (1.6)	11 (2.1)
Unknown	16 (1.1)	12 (1.4)	1 (0.2)
Total	1,462	866	522

^aFebruary 1992–December 1994

^bJanuary 1995–December 1997

^cJanuary 1998–August 2002

News sources and news registration

Discursive developments are closely tied to the press's relationships with news sources. Overall, the news coverage is dominated by legal, political, and government sources. In the first interval, political and government representatives were frequently cited in the news (32%), followed by citizen (16%), legal (14%), corporate (13%), and regulatory (9%) sources. By the second interval, political, corporate, and government officials were cited less often, and the press used more and more legal experts (39%) to make the news. Political (18%) and government sources (15%), however, return to narrative prominence in the news coverage in the third time interval, which was still dominated by legal sources (22%).

A more detailed examination reveals that cabinet sources declined over the decade, from 30% in the first interval to 14% in the last interval. Opposition politicians, however, were frequent claims makers – 49% in interval 1, 44% in interval 2, and 83% in interval 3 – as were unknown government sources (e.g., “a source close to the minister said”), up from 25% in interval 1 to 51% in interval 3. While company sources were a secondary representation in the news,

corporate executives and officials were cited rather often in the early reporting period (36% and 37% respectively). Regulatory personnel were more consistent sources of news. In interval 1, they displayed their authority to define a perception of competent health and occupational oversight. By the second interval, their credibility with the media was waning. The minister of labour, in particular, was targeted as a notable under suspicion. When he resigned, there followed a decline in the use of regulatory sources until interval 3, when a new minister of labour was again re-framed by the press in increasingly critical terms:

The government should hire more inspectors and improve training to ensure the safety of Nova Scotia's workplaces, according to an assessment carried out in response to the Westray inquiry . . . Justice Richard's report found Labour inspectors were "derelict" in their duty to enforce mining regulations and ensure Westray operated safely . . . The report raises concerns about inadequacies in inspection and enforcement . . . The department's resident expert, Claude White, was fired in December after he was severely criticized in the Westray report. A Department of Natural Resources official has since been seconded to Labour. (*Chronicle Herald*, 17 April 1998: B7)

But, in contrast to conventional reporting of suspects who cause death, the press did not investigate the backgrounds of the political notables or the corporate partners involved in the Westray disaster, nor does the coverage frame an interpersonal or moral context for their conduct. Instead, news stories register the truth of Westray by valorizing legal professionals as authoritative news sources. Judges, defence lawyers, crown prosecutors, and inquiry lawyers were the major definers of the news; they registered trial statements, made requests for legal aid, provided reviews of judicial procedures and advanced legal strategies, and debated about the disclosure of documents and the constitutionality of public inquiry proceedings for the press. By the third interval, judges (40%) and crown prosecutors (34%) were the dominant news makers. Compared to legal experts, engineers and mining consultants (4%, 7%, 3%); private-sector sources (3%, 4%, 8%); and academic and medical experts and religious authorities (3%, 2%, 2%) were minor claims makers over all intervals. Citizens, however, were consistently represented in the news at about 14% of overall coverage. Of these sources, miners (25%, 27%, 13%), spouses of the deceased (14%, 6%, 27%), other family members (10%, 32%, 48%), and spokespersons for the Westray Families Group (18%, 26%, 10%) communicated most often

with the press over the three time intervals and, as we shall see, validated a view of Westray "from below."

How do we account for the media's discursive denotations and discontinuities? How did the exercise of power affect the production of truth? Why was Westray registered in a discourse of legality that disavows corporate violence in the workplace?

Regimes of truth, states of denial, and the recognition of corporate violence

The transformation of truth

Over time, what could and could not be said about Westray, by whom, and in what words, shifted. In the immediate aftermath, Curragh Resources policed the territorial site for the production of truth. They enacted power by controlling context. Corporate spokespersons tied reporters to their version of events by stage-managing the release of information; providing diagrams, maps, and photographs; arranging press hearings at their convenience so that stories could be filed quickly, without reaction from others; and channelling information into narrative plot lines that empowered corporate advisors as authoritative claim makers (Comish 1993; Richards 1999; McCormick 1995; McMullan and Hinze 1999). They converted the reporters' lack of time, informants, and routines into a source tactic and created a "good news" story in the context of a "bad news" event. To paraphrase Teun van Dijk (1993: 260), some opinions were not heard, some perspectives were ignored: the discourse itself became "a segregated structure." Indeed, the truth of Westray was being denied even as the dead were being reclaimed from the mine. Plans for maximum deniability began along with documented instructions about what to say. This annihilation strategy emphasized what Hannah Arendt (1995: 84-86) calls "language rules": on one track, the language was caring and compassionate, while on the other there were guidelines on how to disguise reality by cover-up and euphemism. By the corporation's account, the victims of Westray were "courageous workers" employed at a mine where "everything physically and humanly possible to guard against dangerous conditions" had been in place and where there had been "no warnings of any kind." This public discourse was highly coded, full of references to natural hazards, occupational health and safety, and the desire of the company to examine

the "causes of the accident to ensure against similar tragedies in the future" (Cameron and Mitorvica 1994: 56). In this way, corporate capital both disavowed the meaning of Westray and claimed they did not understand it. The simultaneity of literal denial and ideological justification was essential for the constitution of news audiences. As Colin Goff notes,

This massive coverage in the immediate aftermath provided smothering detail of the tragedy: the explosion, the attempt to rescue the trapped miners, discovering the bodies, flooding the mine and the suffering of the families. It was the human interest story next door, a tragedy in a primary industry in a traditional economy. However, much of the reporting is not critical or informative, but emotional... [and] full of sentimental phrases. (2001: 203)

The assembly of this "regime of truth" of natural tragedy ran contrary to the most obvious fact scenario; that is, maintaining this version of events required both effort and blindness. The Westray story contained ample evidence of questionable mining practices, including the long history of mining deaths in the region, Curragh Resources' troubled safety record in Canada, public reservations from capital and labour about mining the coal seam, and problems associated with the methods used in the mine. In addition, the widespread political involvement in brokering the mine into existence, including guaranteed loans, subsidies, tax incentives, infrastructure grants, and protected coal markets at inflated prices, were well known *before* the explosion, as was public information regarding government reluctance to take action against occupational health and safety violations at the mine (Glasbeek and Tucker 1999; Tucker 1995; Hynes and Prasad 1999; Wilde 1999). Perhaps the press reported the explosion in a discourse of human tragedy because they had previously failed to properly investigate Westray? Trudie Richards thinks so:

Journalists were caught in the position of trying to explain an event that they did not understand. The effort required to do so meant that the crisis was compartmentalized, as if separate from the wider context of technology and Canada's reliance on coal as a resource, which make such events both predictable and inevitable. (1999: 159)

But the press did develop a political-economy discourse of the explosion that provided precisely such a wider context. The news was not without critical perspective in the early representation of Westray. About one-quarter of the news narratives do trace connections

between high unemployment and risky capital ventures in the region. Within weeks of the explosion, journalists opened up the promise of a socio-economic explanation for the Westray explosion. But corporate and state officials were adroit at containing and shutting down this news discourse. They deflected organizational blame and stressed "interpretive denial." The mine blew up on its own! In other words, "what happened was really something else" – a natural accident. This was the "politics of truth" that defined "the early limits and the forms of the sayable" (Foucault 1980b, 1991b), and the press enacted and conferred considerable legitimacy on this "regime of truth," throughout the decade of coverage, even while shifting the media discourse. In turn, this version of events initiated "literal denial" of corporate culpability ("nothing illegal happened") and empowered the media's evasion of responsibility in portraying both interpretative denial and literal denial as fact, especially in the immediate aftermath of the explosion. As Goff observes, the press "refused to call the explosion a 'homicide' and rarely if ever followed up on this issue with any investigative reports" (2001: 210). Media denial was a matter of neither telling the truth nor intentionally telling a lie; rather it was a "switching off" that, in turn, created a cultural state in which the press both knew and did not know at the same time (Cohen 2001: 113–116).

By 1995, the intensity of human-tragedy narratives declined, and evidence arising out of the regulatory investigations and the criminal trial led to a discursive reformulation. The criminal prosecution and the public inquiry realigned power relations between the press and their sources. The previous "politics of truth" was destabilized by gaps, inconsistencies, discontinuities, and disbelief in the information of once-accredited official sources. "Truth" was expanded and reworked in the news to speak to power in a vocabulary of law. But the press did not demarcate procedural law from substantive law or highlight the social context or the criminal content of the case against the Westray accused. Rather, truth telling was abstract and self-referential. It registered routine stories about police evidence, medical verdicts, professional conduct, disclosure rules, legal proceedings, and judicial decision making and chronicled them in a restricted manner. Yet this coverage caused realignments in the rules governing the production and dissemination of truth statements. A natural tragedy was reframed as a legal disaster, and the press constituted the non-culpable subject alongside the tragic subject. This discursive reconstruction was one element in a broader, complex transformation that eventually crystallized around the public

inquiry and its aftermath in 1997 and 1998 (McMullan and McClung 2006). While the adversarial rules and procedures governing statements of truth in the criminal trial worked to dampen narratives of intent, cause, blame, and censure, the revelations before the public inquiry prised open new mechanisms of truth discovery and circulation. In Foucault's (1980a: 112) words, it "hastened a transformation" that did not correspond "to the calm, continuist image" normally accredited to regimes of truth associated with natural tragedy or legal disaster.

The representation of scandal and the disqualification of crime as truth

But even the public inquiry did not encourage the press to tell the truth of Westray as a crime. The inquiry operated as a ceremony of power from which the press produced political dramas that "hierarchized 'good' and 'bad' subjects in relation to one another ..." and judged individuals "in truth" (Foucault 1995: 181). Press classifications link notable individuals with dubious political and economic behaviours. The media's "politics of truth" acknowledged some harm about those who died but rarely the larger victimization. The discursive boundaries governing what could and could not be said were drawn to delineate political misconduct from corporate criminal wrongdoing; while they opened up questions about legal liability, they often disqualified discussions about criminal culpability both before and after the inquiry. Nevertheless, media "truth telling" eventually acknowledged the disaster in a language that inscribes "a modification in the rules of the formation of statements" accepted as true and truthful (Foucault 1980a: 112).

Part of the explanation for this discursive shift was the press's willingness to eventually consider subaltern voices – family members of the bereaved, miners, and union representatives – more favourably and to re-register their stories as critiques of the powerful. Equally important was the discursive realignment of legal and scientific experts, who opened up innumerable points of confrontation with official accounts and subverted the claims of state and corporate positions. Legal sources were repositioned by the press to explicate how the public inquiry functioned as a mechanism of truth discovery and to act as new truth sayers positing new claims about corporate and government misconduct.

Consider the subversive tone in the news reports of lawyers' talk at the public hearings:

"There's a problem with the regulator in this province. It isn't that they made a mistake. It's that they refused to acknowledge that they made a mistake. And that strikes me as being a very serious problem . . . You've just given me a long answer trying to justify your actions . . . refusing to acknowledge that anything went off the rails – and that's the problem."
(*Chronicle Herald*, 3 May 1996: A3)

Mr. Merrick reviewed the circumstances of Mr. Guptill's complaints and his later firing, and suggested there may have been a behind-the-scenes plan: "A Mr. Guptill comes forward with a range of complaints, including an injury. I'm going to suggest to you that the evidence may support the conclusion that Mr. Phillips puts on his charming hat and a cheque, apologizes to Mr. Guptill, takes statements from all the men involved and in effect sort of buys a solution to the complaint until the department has closed its' file. Then they threaten to put Guptill underground again, so he has to quit. So, the net result of all this is that a man who had safety complaints and an injury gets bought off by the company until the inspectorate has closed their files – and then, in effect, gets forced out."
(*Chronicle Herald*, 16 May 1996: A1)

Scientific experts, though few in number, added to this discursive shift. The press used engineers', geologists', and surveyors' expertise to re-explain the immediate causes of the explosion, to re-evaluate the viability of the mining enterprise and the vigilance of the safety inspectorate, and to redetermine whether the explosion could have been prevented.

At this stage, in contrast to the "emergency" phase of the explosion, corporate and state officials were unable to sustain "literal forms of denial" (What happened was a tragic accident!).

The "politics of definition," especially at the inquiry, forced regulators, corporate actors, and politicians to enact new "truth games." The strategy switched to legalistic and political justifications, because, as Cohen observes, "the dominant language of interpretation is legal" (2001: 106). State and corporate actors admitted the raw facts but denied the framework placed on them. "Interpretive denial" functioned in the news to cloud the boundary between rhetoric and

referent with respect to responsibility and culpability. The following passage is illustrative:

Buchanan's message was clear: Any Westray proposals put before cabinet were the responsibility not of Buchanan, but of premier-to-be Cameron... "Before 1990, I was the premier of Nova Scotia." This was the senator's quaint way of saying he didn't know much about what happened at Westray after he went to... the Canadian senate. Buchanan's rambling testimony had one thing in common with Cameron's... Both men, in common with the score of government witnesses who went before them, refused to take any blame for the tragedy that killed 26 men on May 9th, 1992... (*Chronicle Herald*, 31 May 1996: C1)

Some corporate officials and politicians attempted to exonerate themselves by deploying tactics of "implicatory denial." They attacked the credibility of victims ("the mine blew up because of what happened that morning and not because of any political pressure from the province"; *Chronicle Herald*, 29 May 1996: C1), accused the inquiry of being biased against them ("they just want to blame someone so they are blaming me"; *Chronicle Herald*, 29 May 1996: C1), or excused their actions through appeals to higher righteousness ("we had to cut corners in order to meet production quotas"; *Chronicle Herald*, 31 May 1996: C1), thus condemning the condemners in a language of necessity and trivialization. Indeed, the rescinding of regulatory charges, poor police investigation practices, the collapse of the public prosecution, and the failure to discipline those responsible and compensate those victimized each contributed to the dissociation and dehumanization of the dead and their families (Comish 1993; Comish and Comish 1999; Dodd 1999). As one family member put it, "I never thought that we could be made a mockery in public, and I never thought anybody could kill somebody and get away with it so publicly" (qtd. in Davis 2003: 6).

Corporate officials also resorted to "passive denial." They avoided their critics and evaded the press; they signalled the absence of a problem to protect their interests when their versions of events were disbelieved. They saw no political necessity for dialogue with the rest of the world and condemned the public inquiry as a "railroad job and a farce" (*Chronicle Herald*, 18 April 1996: A1). As the CEO of Curragh Resources put it, "they just want to label me... they are probably not even interested in what I have to say" (*Chronicle Herald*, 6 September 1997: A3). Unwilling to accept any legitimate universe

outside their own, they had no need to claim innocence of troubling recognitions of wrongdoing, since such recognitions were not troubling to them at all:

Westray miners have described walking through thick drifts of dust, but Frame believes the dust contained enough impurities to make it safe . . . All this leaves Frame with a clear conscience. "Christ, I'm sitting up here in Toronto . . . How in the name of God would I know that anyone was adjusting a methane detector? How the hell would I know that? And if I didn't know that, how could I have any feeling of guilt, other than the fact that I shouldn't have developed the God damned mine in the first place . . . (*Chronicle Herald*, 11 November 1997: A12)

The press, for its part, chronicled webs of denial and deceit with increasing incredulity. Reporters mobilized a myriad of recurrent moral/political signifiers to reframe the explosion and its legal aftermath as "an abuse of authority," "mismanagement," and "incompetence." The reporting of Westray as a spectacular natural event with a tragic subject, or as a legal disaster with a non-culpable subject, was joined by coverage that reflects a political "truth game" that flowed upward "from below." "Refusing to acknowledge mistakes," "blaming underlings," "hiding behind the law," and "covering up their actions" amounts to a new cluster of connotations around the theme of political bankruptcy.

. . . [the miners] have asked cabinet to settle up now, rather than delaying until assets are sold. Given the circumstances of Westray – a disaster that was in large part of government making – that was a reasonable request . . . Here, then, was a ready opportunity for the . . . government to demonstrate both humanity and a real sense of accountability. Instead, it has scurried behind the skirts of its lawyers' gowns . . . The message is [that] taking responsibility, in our political culture, remains an assignment for government speechwriters. It is not to be confused with paying actual damages to people injured by government . . . "All help short of relief" might have been coined for cabinet's approach to Westray victims. And "sorry is as sorry does" is the test it [the government] has flunked. (*Chronicle Herald*, 1 January 1998: B1)

This "new regime of truth" disclosed anomalous acts of the powerful, validated the miners experiences at Westray, and altered public spaces for the voices of the families of the bereaved to be recognized and registered.

Yet the structure and consequences of these changing representations of news failed to reveal other important truths. The processes of investigation, criminal trial, and official inquiry, and their collective representations as news, "imagined" crime out. This was the limit of the press's ability to tell the truth to powerful corporate and state interests, the place where media truth telling was made coincident with the exercise of power. The media produced their own version of "interpretive denial": "What happened at Westray" was really "something else"! The *corporate* origins of death in the workplace were really "something else"! The causes of the explosion were not *structural* but "something else" – incompetent individuals not doing their jobs! The loss of life was not *crime* but "something else": "a disgrace," "abuse of office," "bureaucratic bungling," and "wrong-doing"! As Cohen observes, cultural denial is a "subtle operation precisely because the media filter is so similar to culture denial itself" (2001: 170). While the descriptors quoted here have critical connotations, they carry implications of political immorality rather than legal offence (Levi and Pithouse 1992; Tombs and Whyte 2001; Tumber 1993). They convey the novelty of the disaster rather than the mundane character of the criminal actions leading up to the event. The press did not demarcate the corporation as capable of "killing" or its agents as capable of "homicide," and the news coverage, while registering a "view from below," does not constitute the truth of Westray as state–corporate criminality (Slapper and Tombs 1999). What crime? That is the notable absence in the presence of media truth-telling exercises and the place where press reporting contributed to the misrecognition of corporate crime in popular culture.

Note

1. Earlier versions of the article were presented at the British Society of Criminology; University of Portsmouth, Portsmouth, U.K., in July 2004 and at the Canadian Society of Criminology, York University, Toronto, ON, in April 2004. Research for this article was aided by a grant from the Social Sciences and Humanities Research Council of Canada. The author would like to thank Stella Chiasson and Melissa McClung for assistance in coding the data and producing preliminary tables and Lisa Kowalchuk, David Perrier, and Paul Rock for their critical comments on earlier drafts.

References

Arendt, Hannah

- 1971 *Between Past and Future: Eight Exercises in Political Thought*. New York: Viking Press.

Arendt, Hannah

- 1972 *The Crises of the Republic*. New York: Harcourt Brace Jovanovich.

Arendt, Hannah

- 1995 *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin.

Barak, Gregg

- 1994 *Media, society and criminology*. In Gregg Barak (ed.), *Media, Process, and the Social Construction of Crime: Studies in Newsmaking Criminology*. New York: Garland Publishing.

Barak, Gregg

- 2003 October *Mediated value: Production, distortion and consumption*. Paper presented at Crime and Media Conference, Fredericton.

Becker, Howard

- 1963 *Outsiders: Studies in the Sociology of Deviance*. New York: Free Press.

Becker, Howard

- 1967 *Whose side are we on?* *Social Problems* 14: 239-247.

Beveridge, Duncan R. and Patrick J. Duncan

- 2000 *Review of the Nova Scotia Public Prosecution Service: Report on the Westray Prosecution*. Halifax: Nova Scotia Department of Justice.

Brown, David

- 2004 *Royal commissions and criminal justice: Behind the ideal*. In George Gilligan and John Pratt (eds.), *Crime, Truth and Justice: Official Inquiry, Discourse, Knowledge*. Cullompton, U.K.: Willan Publishing.

Burns, Ronald G. and Lindsey Orrick

- 2002 Assessing newspaper coverage of corporate violence: The dance hall fire in Goteborg, Sweden. *Critical Criminology* 11: 137-150.

Cameron, Stevie and Andrew Mitorvica

- 1994 Burying Westray. *Saturday Night*, 4 May: 54-60, 83-84.

Cavender, Gray and Aogán Mulcahy

- 1998 Trial by fire: Media constructions of corporate deviance. *Justice Quarterly* 15: 697-717.

Chermak, Steven

- 1995 Crime in the news media: A refined understanding of how crimes become news. In Gregg Barak (ed.), *Media, Process, and the Social Construction of Crime: Studies in Newsmaking Criminology*. New York: Garland Publishing.

Chibnall, Steve

- 1977 *Law and Order News*. London: Tavistock.

Coffey, Amanda Jane and Paul A. Atkinson

- 1996 *Making Sense of Qualitative Data: Complimentary Research Designs*. Thousand Oaks, CA: Sage.

Cohen, Stanley

- 1993 Human rights and crimes of the state. *Australian and New Zealand Journal of Criminology* 26: 97-115.

Cohen, Stanley

- 2001 *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity Press.

Comish, Shaun

- 1993 *The Westray Tragedy: A Miner's Story*. Halifax: Fernwood Publishing.

Comish, Shaun and Shirley Comish

- 1999 The road to recovery is long. In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax: Fernwood Publishing.

Davis, Christopher G.

- 2003 June "Picking up the pieces": The personal legacies of Westray. Paper presented at the Congress of the Humanities and Social Sciences, Halifax.

Dodd, Susan M.

- 1999 Unsettled accounts after Westray. In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax: Fernwood Publishing.

Dominick, Joseph R.

- 1978 Crime and law enforcement in the mass media. In Charles Winick (ed.), *Deviance and the Mass Media*. Beverly Hills, CA: Sage.

Ericson, Richard V., Patricia Baranek, and Janet Chan

- 1989 *Negotiating Control: A Study of News Sources*. Toronto: University of Toronto Press.

Ericson, Richard V., Patricia Baranek, and Janet Chan

- 1991 *Representing Order: Crime, Law and Justice in the News Media*. Toronto: University of Toronto Press.

Evans, Sandra S. and Richard J. Lundman

- 1983 Newspaper coverage of corporate price-fixing. *Criminology* 21: 529-541.

Ewick, Patricia and Susan S. Silbey

- 1995 Toward a sociology of narrative. *Law and Society Review* 29: 197-226.

Fleras, Augie and Jean Lock Kunz

- 2001 *Media and Minorities: Representing Diversity in a Multicultural Canada*. Toronto: Thompson Educational Publishing.

Foucault, Michel

- 1980a Truth and power. In Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings (1972-1977)*, Michel Foucault. New York: Pantheon.

Foucault, Michel

- 1980b Two lectures. In Colin Gordon (ed.), *Power/Knowledge: Selected*

Interviews and Other Writings (1972–1977), Michel Foucault.
New York: Pantheon.

Foucault, Michel

1980c Power and strategies. In Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings (1972–1977)*, Michel Foucault. New York: Pantheon.

Foucault, Michel

1980d The eye of power. In Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings (1972–1977)*, Michel Foucault. New York: Pantheon.

Foucault, Michel

1988a The Archaeology of Knowledge and the Discourse on Language: Michel Foucault. New York: Harper Colophon.

Foucault, Michel

1988b The concern for truth. In Lawrence D. Kritzman (ed.), *Politics, Philosophy, Culture: Interviews and Other Writings of Michel Foucault, 1977–1984*. New York: Routledge, Chapman & Hall.

Foucault, Michel

1991a The discourse on power. In R. James Goldstein and James Cascaito (trans.), *Michel Foucault: Remarks on Marx. Conversations with Duccio Trombadori*. New York: Semiotext(e).

Foucault, Michel

1991b Politics and the study of discourse. In Graham Burchell, Colin Gordon, and Paul Miller (eds.), *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.

Foucault, Michel

1991c Questions of method. In Graham Burchell, Colin Gordon, and Paul Miller (eds.), *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.

Foucault, Michel

1995 *Discipline and Punish: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage Books.

Foucault, Michel

2001 *Fearless Speech*. Los Angeles: Semiotext(e).

Gamson, William A., David Croteau, William Hoynes, and Theodore Sasson

1992 Media images and the social construction of reality. *Annual Reviews in Sociology* 18: 373-393.

Gilligan, George and John Pratt, eds.

2004 *Crime, Truth and Justice: Official Inquiry, Discourse, Knowledge*. Cullompton, U.K.: Willan Publishing.

Glasbeek, Harry and Eric Tucker

1999 Death by consensus at Westray? In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax: Fernwood Publishing.

Goff, Colin

2001 The Westray mine disaster: Media coverage of a corporate crime in Canada. In Henry N. Pontell and David Shichor (eds.), *Contemporary Issues in Crime and Criminal Justice: Essays in Honor of Gilbert Geis*. Upper Saddle River, NJ: Prentice Hall.

Hall, Stuart, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts

1978 *Policing The Crisis: Mugging, the State and Law and Order*. London: Macmillan.

Herman, Edward S. and Noam Chomsky

1988 *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Pantheon.

Hynes, Timothy and Pushkala Prasad

1999 The normal violation of safety rules. In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax : Fernwood Publishing.

Iyengar, Shanto

1991 *Is Anyone Responsible? How Television News Frames Political Issues*. Chicago: University of Chicago Press.

Jobb, Dean

1994 *Calculated Risk: Greed, Politics and the Westray Tragedy*. Halifax: Nimbus Publishing.

Jobb, Dean

- 1999 Legal disaster: Westray and the justice system. In Chris McCormick (ed.), *The Westray Chronicles : A Case Study in Corporate Crime*. Halifax : Fernwood Publishing.

Kappeler, Victor E., Mark Blumberg, and Gary Potter, eds.

- 2000 *The Mythology of Crime and Criminal Justice*, 3rd ed. Prospect Heights, IL: Waveland.

Levi, Michael and Andrew Pithouse

- 1992 *The victims of fraud*. In David Downes (ed.), *Unravelling Criminal Justice*. London: Macmillan.

Lofquist, William S.

- 1997 Constructing "crime": Media coverage of individual and organizational wrongdoing. *Justice Quarterly* 14: 243-263.

Lynch, Michael J., Paul Stretesky, and Paul Hammond

- 2000 Media coverage of chemical crimes, Hillsborough County, Florida, 1987-97. *British Journal of Criminology* 27(2): 16-29.

Maxfield, Michael G. and Earl R. Babbie

- 2001 *Research Methods for Criminal Justice and Criminology*. Belmont, CA: Woodsworth.

McCormick, Chris

- 1995 The Westray mine explosion: Covering a disaster and a failed inquiry. In Chris McCormick (ed.), *Constructing Danger: The Mis/Representation of Crime in the News*. Halifax: Fernwood Publishing.

McMullan, John

- 2001 Westray and after: Power, truth and news reporting of the Westray mine disaster. In Susan C. Boyd, Dorothy E. Chunn, and Robert Menzies (eds.), *[Ab]using Power: The Canadian Experience*. Halifax: Fernwood Publishing.

McMullan, John and Sherman Hinze

- 1999 The press, ideology, and corporate crime. In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax: Fernwood Publishing.

McMullan, John and Melissa McClung

- 2006 The media, the politics of truth and the coverage of corporate violence: The Westray disaster and the public inquiry. *Critical Criminology: An International Journal* 14: 67-86.

McQuail, Denis

- 1992 *Media Performance: News Communication and the Public Interest*. London: Sage.

Mintz, Morton

- 1991 Media coverups of corporate crime. *Propaganda Review* 9: 18-21, 62-63.

Neuman, W. Lawrence

- 2003 *Social Research Methods: Qualitative and Quantitative Approaches*, 5th ed. New York: Allyn & Bacon.

Perez-Lugo, Marla

- 2004 Media uses in disaster situations: A new focus on the impact phase. *Sociological Inquiry* 74: 210-225.

Randall, Donna M., Lynette Lee-Sammons, and Paul R. Hagner

- 1988 Common versus elite crime coverage in network news. *Social Science Quarterly* 69: 919-929.

Reiner, Robert

- 2002 Media made criminology: The representation of crime in the mass media. In Mike Maguire, Rod Morgan, and Robert Reiner (eds.), *The Oxford Handbook of Criminology*. London: Oxford University Press.

Richard, K. Peter

- 1997 *The Westray Story: A Predictable Path to Disaster: Report of the Westray Mine Public Inquiry*. Halifax: Westray Mine Public Inquiry.

Richards, Trudie

- 1999 Public relations and the Westray mine explosion. In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax: Fernwood Publishing.

Riffe, Daniel and Alan Freitag

- 1997 A content analysis of content analysis: Twenty-five years

of journalism. *Journalism and Mass Communications Quarterly* 3: 515-524.

Rock, Paul

1973 News as eternal recurrence. In Stanley Cohen and Jock Young (eds.), *The Manufacture of News*. London: Constable.

Rotberg, Robert I. and Dennis Thompson, eds.

2000 *Truth vs Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press.

Rouse, Joseph

1994 *Power/Knowledge*. In Gary Gutting (ed.), *The Cambridge Companion to Foucault*. Cambridge: Cambridge University Press.

Scraton, Philip

1999 *Hillsborough: The Truth*. Edinburgh: Mainstream.

Scraton, Philip, Ann Jemphrey, and Sheila Coleman

1995 *No Last Rights: The Denial of Justice and the Promotion of Myth in the Aftermath of the Hillsborough Disaster*. Liverpool: CC Alden Press.

Slapper, Gary and Steve Tombs

1999 *Corporate Crime*. Harlow, U.K.: Longman.

Surette, Ray

1998 *Media, Crime and Criminal Justice: Images and Realities*. Belmont, CA: West/Wadsworth.

Tombs, Steve and Dave Whyte

2001 Reporting corporate crime out of existence. *Criminal Justice Matters* 43: 22-23.

Tucker, Eric

1995 The Westray mine disaster and its aftermath: The politics of causation. *Canadian Journal of Law and Society* 10(1): 92-123.

Tumber, Howard

1993 Selling scandal: Business and the media. *Media, Culture and Society* 15: 345-361.

van Dijk, Teun A.

- 1993 Principles of critical discourse analysis. *Discourse and Society* 4: 249-283.

Wilde, Gerald J.S.

- 1999 The awareness and acceptance of risk at Westray. In Chris McCormick (ed.), *The Westray Chronicles: A Case Study in Corporate Crime*. Halifax: Fernwood Publishing.

Williams, Bernard

- 2002 *Truth and Truthfulness: An Essay in Genealogy*. Princeton, NJ: Princeton University Press.

Williams, Raymond

- 1989 *What I Came to Say*. London: Hutchison.

Wright, John P., Francis T. Cullen, and Michael B. Blankenship

- 1995 The social construction of corporate violence: Media coverage of the Imperial Food Products fire. *Crime and Delinquency* 41: 20-36.

Copyright of *Canadian Journal of Criminology & Criminal Justice* is the property of University of Toronto Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.