Managing, Delivering or Paying Back? Metaphors in Scottish Penal Policy

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Authors’ details

Dr Sarah Armstrong
Senior Research Fellow
Scottish Centre for Crime and Justice Research
University of Glasgow
Glasgow G12 8QQ

phone 0141 3308257

sarah.armstrong@glasgow.ac.uk

Dr Alice Deignan
Reader in Applied Linguistics
School of Education
University of Leeds
Leeds LS2 9JT

phone 0113 3434554

a.h.deignan@education.leeds.ac.uk

Please use Alice Deignan’s address for proofs, offprints etc.

Biographical information

Sarah Armstrong is Senior Research Fellow at the Scottish Centre for Crime and Justice (Glasgow University), where she researches prisons and prison policy. She was an academic advisor to the Scottish Prisons Commission, and with Lesley McAra co-edited Perspectives on Punishment: The Contours of Control (2006, Oxford University Press).

Alice Deignan is a Reader in Applied Linguistics at the University of Leeds. She researches lexical meaning, especially metaphor and metonymy, using techniques from corpus lexicography. She is the author of Metaphor and Corpus Linguistics (2005, John Benjamins).
Managing, Delivering or Paying Back? Metaphors in Scottish Penal Policy

Sarah Armstrong and Alice Deignan

Abstract
In this paper we analyse a metaphor prominent in a current Scottish penal reform project – payback – exploring how it is being conceptualised and readied for use as a principle for organising policy and action. We analyse a corpus consisting of four policy documents, totalling 130,000 words. We have used frequency lists and concordances, in combination with detailed discourse and semantic analysis, to identify the central metaphors in the corpus and their meanings. We find relatively widespread use of the payback metaphor, especially at key points in the documents. However, we also find frequent use of other metaphors, in particular a ‘business/management’ scenario, realised by lexis such as delivery and management. We compare the relative importance of payback and business metaphors in the texts, finding evidence that the latter are more important for framing the debate about punishment and penal reform. We conclude by relating these findings to the claims about the emergence of a ‘managerial state’ in which public services are operated according to business models.

Key words: metaphor, policy, punishment, payback, risk management, managerialism, corpus linguistics

Introduction
Metaphors are at war in the discourse of punishment. In newspapers, criminology courses, policy documents and beyond, conflicting metaphors are deployed to characterise the criminal justice system. Sometimes it is a soldier ‘tackling crime’ on behalf of civilian victims. At other times it is a bureaucratic machine designed to ‘deal with cases efficiently’. So who is winning the war, and why does it matter? To take the second question first, it matters because the use of metaphor to define problems in particular ways directs how those problems can be addressed. Schön’s early study (1993 [1979]) of the metaphors used to frame the debate on housing policy in the 1960s demonstrated that poor quality housing was discussed using a disease metaphor, which implied a cure in the form of demolition, eradicating ‘blight’. This metaphor, Schön argued, downplayed an alternative perception of inner city housing as communities, effectively blocking this as a way of thinking about the issue and imposing a one-sided frame. More recently, Lakoff (2003) has argued that the US administration exploited the metaphor A NATION IS A PERSON to justify war in the Persian Gulf, while Charteris-Black (2004, 2005) has studied how political leaders use metaphor to present their messages effectively. These arguments suggest that change in thinking about (and hence, acting on) an issue can be traced through a change in the metaphorical ways in which it is framed, and this development will be detectable at the linguistic level through new uses of figurative language.

In this paper, we explore use of metaphor in a penal reform project underway in Scotland. This site of study provides one battlefield in which to get at the question of who is
winning the war. Of course the use of a war metaphor to characterise use of metaphor itself is partly facetious. One of its values, though, is to highlight the idea that contrasting metaphors do not co-exist easily. Indeed while we were looking for use of a particular metaphor – ‘payback’ – that was specifically adopted to advance the reform agenda, we also identified metaphors from business lexis, that appeared to present alternative versions of penal purpose. Our analysis focuses on how these various metaphors appear in the documents and relate to each other. The theoretical framework of the analysis is broadly in line with conceptual metaphor theory which claims that metaphor structures thought, though almost all studies in this tradition trace metaphors through the analysis of text (‘text’ includes talk here), working from linguistic metaphors detected in text to a discussion of meaning and persuasion (Lakoff and Johnson 1980, 1999). For a short discussion of the theory and applications to social science research, see papers in Cameron and Maslen (2010).

While the study of penal discourse has produced a large body of scholarship, our approach is novel in at least two ways. First, our analysis takes policy documents as the data, a relatively neglected genre in criminology where interest in discourse tends to focus on media representations or the talk of those in the front line – police, criminals, prisoners and prison guards (e.g. Mayr 2004, Adler and Longhurst 1994). Second, we employ a corpus-based approach to studying metaphors, using a large-scale English language corpus (described below) as a comparator for the metaphors we identify in the specialised corpus of our policy documents. This method checks the risk of overinterpretation but does not prevent us from engaging with broader social analyses of criminal justice, considering, among other things, ideological aspects of our texts (O’Halloran 2007, Hamilton et al. 2007).

Penal Reform as Nation Building
Penal systems are perennial targets of reform. In Scotland, the impetus for the latest review of the penal system was two-fold: the election of a nationalist Government in 2007 and the fact that Scotland’s imprisonment rate has risen to a level higher than almost anywhere else in western Europe. Reform projects always have pragmatic impulses – to save money, to achieve goals – but are always accompanied by ideological claims as well. The new Scottish Government has defined the need for penal reform in terms of national identity and aspiration. This marks a change from the penal politics of the past two decades in the UK, in which prison policy has been developed mainly by referring to its impact on crime. In launching the Scottish Prisons Commission in 2007, Justice Secretary Kenny MacAskill stated, ‘The Government refuses to believe that the Scottish people are inherently bad or that there is any genetic reason why we should be locking up twice as many offenders as Ireland or Norway.’ The Commission was an independent body appointed by Government whose report provided the template for reform and is the first of the four documents of our corpus:

2. Revitalising Justice – Proposals To Modernise And Improve The Criminal Justice System (September 2008)

4. *Criminal Justice and Licensing (Scotland) Bill [as introduced]* (March 2009)

The documents mark key stages in the development of the new penal approach. The first, *Scotland’s Choice*, spends the most time of the four defining the problem of prisons for Scotland, and introduced the main framework and recommendations for reform: reducing the prison population, expanding and re-organising use of community-based sentences, increasing consistency of criminal sentences, and crucially, introducing the notion of ‘payback’ as the fundamental purpose of penal sanctions. The next two documents are Government statements, drafted by civil servants, containing plans for an omnibus criminal justice bill (*Revitalising Justice*), and the official response to the *Scotland’s Choice* report (*Protecting Scotland’s Communities*). The final document is the submitted bill (*Criminal Justice and Licensing [Scotland] Bill*), which refined and put into legislative format the proposals of the previous texts. Taken together, our texts have a variety of authors (politicians, members of the community, civil servants, lawyers) and intended audiences (public, the Government itself, criminal justice professionals), and are also heterogenous in terms of tone.

We wanted to examine first the extent to which metaphors are being used in official Scottish penal discourse to develop the case for reform. Connected to this, we were particularly interested in the concept of ‘payback’ since this had been explicitly adopted as the concept representing the underlying aims of punishment in the reform. Our second line of inquiry was then to assess the extent to which metaphors were influential in framing reform discourse, encouraging some directions of penal change but discouraging others.

The choice of the ‘payback’ concept in Scotland by a nationalist government is notable because this same concept recently had been adopted in England and Wales to rebrand community service as Community Payback (Casey 2008, www.communitypayback.com). In this case payback was defined in punitive terms, with officials stating that the ‘primary purpose of the [English payback] order is punishment’. By contrast, the Scottish Prisons Commission used the term to encompass a fundamentally rehabilitative and restorative ethos of punishment (*Scotland’s Choice* 2008: 27),

> In essence, payback means finding constructive ways to compensate or repair harms caused by crime. It involves making good to the victim and/or the community. This might be through financial payment, unpaid work, engaging in rehabilitative work or some combination of these and other approaches. Ultimately, one of the best ways for offenders to pay back is by turning their lives around.

**Method**

The part of the analysis that we report in this paper focussed principally, though not exclusively, on the identification and analysis of linguistic metaphors. The problems of
searching for metaphors in corpora are well known (for example, Deignan 2005): concordancing, the main tool used in automatic processing of corpus data, is essentially a bottom-up technique and researchers can easily miss metaphors that they have not identified in advance. However, our corpus is small enough to hand search, so we began by reading the documents, using corpus-processing software as an additional tool rather than as our starting point. We identified conventional and innovative metaphors, basing our definitions of metaphor and our identification procedure on the ‘pragglejaz’ procedure (Cameron et al, 2007). For a word use to be considered a metaphor, the pragglejaz procedure requires its contextual use to be related to a more basic meaning, by a relation of comparison or similar. This allows payback to be considered a metaphor, because it has a more basic meaning associated with money and debt, and there is clearly some kind of comparative relation between the meaning in the context of these documents and that more basic meaning. However, this procedure excludes the ‘prison’ meaning of sentence, because there is not a more basic meaning of this word that is, currently, semantically associated with its meaning in this discourse context.

We used the program WordSmith Tools v.5 (Scott, 2007) to perform automatic frequency counts in order to identify the most frequently used word forms in the documents, and to generate concordances of word forms that were significant to our study because of their frequency and/ or meaning. Using concordances allowed us to examine the typical linguistic context of each metaphor more efficiently and accurately than is possible when citations are viewed separately, in their individual contexts.

We compared the most frequent and salient metaphors that we found with the use of the same words in the Oxford English Corpus (the ‘OEC’: a 2 billion word corpus of spoken and written English from a range of naturally-occurring sources), which was processed using the program Sketch Engine. Given the subject matter of the policy documents, we were not expecting that usage would be identical, and we do not always draw conclusions from differences in use between the specialised policy document corpus and the general corpus. For instance, it is to be expected that the most frequent use of sentence in a document about penal policy is the meaning that refers to an amount of time that an offender is to spend in prison. However, we will argue that in some cases it is informative to note differences in meaning and lexical grammar between our documents and general use.

Of the 200 most frequent words identified through WordSmith Tools v.5, 115 were lexical and 85 grammatical. Although grammatical words frequently have metaphorical meanings, none found in these data were relevant to the policy changes and our discussion is confined to lexical word meanings. In a separate article (Deignan and Armstrong, in preparation), we present a technical analysis of the breakdown of lexical and grammatical frequencies and analyse notable figurative uses of language in the documents. On a raw frequency basis, use of semantically rich figurative language is not especially high in these documents. However our hand-searches showed some uses that seem significant, discussed later in this article. We begin by discussing the use of payback in the documents.
Punishment as a Normative Activity: Payback

Payback is of particular interest given that the concept is given prominence at salient positions in some of the documents. It is the 73rd most frequent lexical word in the documents, and one of the most frequent linguistic metaphors, with only the metonymic use of ‘court’ and the metaphorical use of ‘support’ found more frequently. Payback occurs 32 times in the earliest document, Scotland’s Choice, and 27 times in Protecting Scotland’s Communities. It does not occur at all in the second document, Revitalising Justice, the document that paved the way for the final document, the Criminal Justice and Licensing (Scotland) Bill. In the final document, payback occurs 70 times, but always within the collocation community payback order, suggesting that by that point in the development of policy the term had become established, having an official status and meaning. We examined the use of the word in Scotland’s Choice and Protecting Scotland’s Communities, and compared this with uses in the OEC.

15 of the 32 citations of payback in Scotland’s Choice raise or tackle questions about its meaning, how much payback is appropriate and what forms it should take, suggesting that the term is still evolving. In Protecting Scotland’s Communities, the notion seems to have become established; it is generally used without questions being raised around it and is not generally used with a definition. Nine of the 27 citations appear in the collocation community payback sentence. The following are typical of the remaining 18:

1. … clarity in sentencing, investment in local reparative and rehabilitative services and visible offender payback.
2. … his key finding underscores our core objective to tackle re-offending through robust community penalties that deliver visible and immediate payback for communities.
3. Sentences served in the community should involve payback.
4. … sentences that provide the appropriate balance of support for offenders and payback to the communities affected by their offending.

In the penal policy documents, as illustrated in the examples above, payback typically appears in sentences that also contain references to rehabilitation, reparation and community. The association with these words supports a reading of the concept as having a generally positive connotation. Again, we draw attention to the contrasting use of payback in the criminal justice context of England and Wales, where it has been given a punitive meaning: Community payback sentences ‘provide robust punishment and restrict liberty for individuals’ (Ministry of Justice 2010).

As the term is of importance in the development of policy (noted above), we investigated its meaning both in the documents and within the reference corpus, the OEC, in some detail. Payback occurs 3699 times in the OEC. A random sample of 500 citations was examined for meaning. Three central meanings were found, with three further, smaller groups of citations. The three main meanings are, in order of frequency (1) ‘revenge’, (2) ‘(literal) return on (financial) investment’, and (3) ‘(non-literal) return on (abstract) investment’, this third meaning apparently being a metaphorical extension of the second. The smaller groups were firstly where the phrasal verb pay back was spelled as one word
– which also happens in the policy documents - and secondly citations mentioning a 1999 film, Payback, starring Mel Gibson. The film title is clearly taken from the revenge meaning of the word; the most widely used publicity picture shows the actor pointing a gun directly out of the picture, and is captioned ‘get ready to root for the bad guy’. The third smaller group is the use found in the policy documents, in citations apparently coming from similar texts or from news reports about them. Table 1 shows examples and frequencies of these six groups of citations.

Table 1: Meaning, examples and frequencies of payback in a random 500 citation sample

<table>
<thead>
<tr>
<th>Meaning</th>
<th>Example</th>
<th>No of cits</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Revenge</td>
<td>We remember the death of the British consul-general, which was described yet again as payback for Iraq.</td>
<td>197</td>
</tr>
<tr>
<td>2. Financial return</td>
<td>… a cost of 174 million pounds, which would require a payback of 36 million pounds a year for 25 years to the consortium.</td>
<td>142</td>
</tr>
<tr>
<td>3. Non-financial return for work, or return of a favour (metaphor from 2)</td>
<td>When [she] opened her exam results last August she saw them as payback for nine months of study, personal sacrifices and unwavering commitment. On the one hand there's an obvious payback angle here - Clinton felt he owed Quinn big time.</td>
<td>117</td>
</tr>
<tr>
<td>4. Phrasal verb without spacing</td>
<td>… which allows students to payback after they have graduated at a much higher tax rate</td>
<td>27</td>
</tr>
<tr>
<td>5. Name of film</td>
<td>Payback, the Mel Gibson movie, works, but in a skillfully mindless action-flick way.</td>
<td>14</td>
</tr>
<tr>
<td>6. (non literal) Repayment for criminal harm</td>
<td>The mayor should make more use of restorative and reparative justice, where offenders have to make amends to victims or payback to society.</td>
<td>3</td>
</tr>
</tbody>
</table>

If the OEC can be assumed to represent general English as experienced by British speakers, as it is intended to, this analysis suggests that the meaning of payback used in the policy documents is importantly different from its other, more frequent meanings, though there is clearly some semantic relationship between them. In the OEC, there are two frequent metaphorical meanings of payback, meanings 1 and 3 in Table 1. Meaning 1 can be broadly classified as negative, meaning ‘revenge’, while meaning 3 can be broadly classified as positive, meaning ‘return on efforts or for favours’. The metaphorical meaning used in the documents does not seem to fit with either of these; the intended meaning is ‘finding constructive ways to compensate or repair harms caused by crime’ (Scotland’s Choice, cited above). We would assume this meaning is intended to have positive connotations, on the basis of the general direction of the documents, and specific collocates of payback in the documents, such as constructive and support. Semantically, of the frequent OEC meanings, the closest seems meaning 1, because both this and
*payback* in the documents refer to consequences of harm done. However the OEC meaning is overwhelmingly negative.

We also investigated the phrasal verb form, *pay back*. This only occurs in two of the four documents: in *Scotland’s Choice*, 32 times, and in *Protecting Scotland’s Communities*, 9 times (including all verbal inflections of *pay*). Typical citations are as follows:

**Scotland’s Choice**
1. Ultimately, one of the best ways for offenders to *pay back* is by turning their lives around  
2. … a duty to reintegrate both those who have *paid back* in the community and those who have served their time in prison.

**Protecting Scotland’s Communities**
1. …deal robustly with offenders who do not *pay back*.  
2. …facilitation the delivery of swift and visible justice by offenders *paying back* to the communities through a number of hours of unpaid work.

There is an interesting grammatical difference between these citations and those in the OEC. In the OEC citations, *pay back* almost always has an object; in semantic terms, speakers or writers specify what is being paid, in citations such as:

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paying back loans… pay back $95 million.
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In the policy documents a direct object is not given; that is, the nature of the debt is never specified. This probably accounts for our first impression, that this use of *pay back* is unconventional in some way. The change in the details of lexical grammar is consistent with corpus linguists’ observations that different meanings of a word are associated with different forms (Hunston and Francis 2001). The development of different lexicogrammar also seems symptomatic of the jargonisation of a term, and may, moreover, have ideological effects. Koller and Davidson (2008: 327) discuss how the nominalisation of the term ‘social exclusion’ in British policy discourse functions to obfuscate agency allowing public actors ‘to deflect the blame for policy failure back onto “the excluded” themselves’.

In the introduction, it was noted that cognitive metaphor theory holds that metaphors underlie our ways of thinking about a topic. Not all metaphors are equally significant however: Lakoff (1993) makes a distinction between conceptual metaphors, which he regards as key to abstract thought, and one-shot metaphors, which are a single correspondence between source and target, and which he considers to be much less significant to thinking. A conceptual metaphor is normally realised at the linguistic level by a large number of lexical forms. For instance, in Schön’s (1993 [1979]) example of the mapping of illness onto housing, the following linguistic metaphors are cited in a relatively short stretch of text: *blight, healthy, congenital disease, palliative, cycle of decay*. If penal policy in Scotland has been reframed using a ‘payback’ metaphor, it would be expected that this would be relexicalised in a similar way throughout the texts.
The texts were read in detail, and also searched automatically for likely words from the source domain of payment and repayment. Metaphorical uses of words such as repay and debt are in fact extremely rare; these two occur only once each in Scotland’s Choice and not at all in the other three documents. In Lakoff’s (1993) terms, payback is a one-shot metaphor. Cognitive metaphor theory would suggest therefore that the documents are not framed through this metaphor, and, more tentatively, that therefore it does not underlie the thinking behind them.

We have concluded that payback is not a realisation of a conceptual metaphor, but it seems pivotal to the texts in other ways. The term appears to have an important discourse function, as a coinage used to bundle and package a collection of related ideas, and to refer to these throughout. Payback has emerged as a central concept for organising punishment in the UK, becoming the new name for community sentences in England and Wales and now of the main community sentence in Scotland. What is interesting about the Scottish case is how much the meaning of this core concept differs from its general sense in English. Far from amounting to revenge, the Scottish version of payback emphasises ‘constructive’ means for offenders to make good ‘by turning their lives around’. Such a conception is additionally innovative in that the benefit of payback is intended to accrue both to the person engaged in paying back and the setting in which payback occurs – the community (though the consistent absence of an object for payback adds to its ambiguity, and possibly thereby conceptual flexibility). To the extent that there is a connection between the meaning of payback in Scottish penal discourse and general English, it appears to be an antonymical one. One effect of this antonymical definition is to suggest to outside public audiences that this new approach to punishment is ‘tough’ while allowing it to be used, by internal practitioner audiences, as a mechanism for the kinds reparative and offender-focused approaches derided in the tabloid press as ‘soft’ options.

There are risks of using familiar words in unexpected ways, however. The obvious risk is that the concept simply fails to take hold, neither reassuring an imagined punitive audience that tough punishments are taking place, nor providing practitioners with enough of a substantive basis to guide their development of specific interventions. This appears to be happening already given that payback amounts to a one-shot metaphor. Moreover, if payback-as-reparation fails as a conceptual metaphor, then a second risk arises in that the more familiar meanings of payback-as-revenge may come to influence thinking about developing the interventions which constitute it. A public which has been told that penal reform is about maximising ‘payback’ might fall back on widespread understandings of the word and thus form the expectation that punishment requires the infliction of pain.

Punishment as a Business Activity: Manage and Deliver
In addition to focussing on a metaphor that was specific to the Scottish reform project, we also noticed regular use of business lexis in the policy documents. This suggested an opportunity to evaluate a general claim about contemporary criminal justice discourse, that it reflects a business management ethos where practices such as setting targets and privatising services are typical (McLaughlin et al. 2001, Clarke and Newman 1997).
While criminologists have pointed out particular metaphors that seem to be central to the so-called managerial form of governance (Crawford 2003, Rose 2000) none have explored this systematically.

In this section, we discuss two terms, *deliver* and *manage*, and their possible significance for demonstrating a linkage between punishment and business.

**Deliver**
The documents contain a number of citations of *deliver* (including inflections) and the noun *delivery*, tending to occur in collocations such as ‘deliver services’. This seemed likely to be a use typical of the language of business and management. We used corpus data to investigate two related hypotheses: firstly, that this use is more frequent in business texts than in general English; and secondly, that it is frequent in the policy documents. If demonstrated, it could be argued that the language of policy shares, or perhaps draws, some of its terminology from the language of business. A close examination of the use in the documents of the verb *deliver* and its inflections and the noun *delivery* showed no discernible difference in meanings, so they are treated together here.

To investigate the first hypothesis, we studied concordance data for *deliver* and inflections and *delivery* in the OEC, to determine to what extent the ‘deliver services’ use is especially characteristic of business English. Here we report findings for the verb form, which are similar to those for the noun. The verb (including all inflections) occurs 192,579 times in the OEC; a random sample of 250 citations was studied. Four main meanings were found. The most frequent literal meaning is ‘take something to a particular place’; the prototypical object is *post* or *parcels* but the meaning can cover other scenarios such as ‘introduce drugs into the body’. A metaphorical extension of this use is ‘convey a message’; objects include *lecture*, *speech* and *message*. A further metaphorical extension is the use that we considered to be typical of business, meaning ‘produce or render’, in ‘deliver services’. The fourth use refers to assisting at a birth. The data also showed some more infrequent uses, such as a biblical sense of rescuing from danger or evil; these seem insignificant and are grouped together. Table 2 shows examples of the main senses found, with their frequencies in the 250-citation sample.

<table>
<thead>
<tr>
<th>Meaning</th>
<th>Example</th>
<th>number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literal</td>
<td>No stationery was delivered to the school.</td>
<td>60</td>
</tr>
<tr>
<td>Convey message</td>
<td>… among the key people who will either deliver presentations at the conference or who will attend as delegates.</td>
<td>66</td>
</tr>
<tr>
<td>Produce, render (‘deliver services’)</td>
<td>… reward those who deliver the biggest impact to the company. … to make the city more efficient and deliver better services. Will he now deliver on the economy and housing?</td>
<td>101</td>
</tr>
</tbody>
</table>
Assist in childbirth  | A doctor told us of delivering two babies for a woman and her daughter. | 4 |
Other                  | … bomber number six, a transit employee, delivered the final blow. … delivering the fallen souls. | 19 |

We performed the same search using just the business domain of the OEC. Table 3 shows examples and the frequencies found.

Table 3 Meanings of deliver in the business domain of the OEC

<table>
<thead>
<tr>
<th>Meaning</th>
<th>Example</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literal</td>
<td>Arnotts […] delivered wedding items at least two to three times a week.</td>
<td>41</td>
</tr>
<tr>
<td>Convey message</td>
<td>… an Irish website called eumom.com that delivers information to pregnant women.</td>
<td>29</td>
</tr>
<tr>
<td>Produce, render ('deliver services')</td>
<td>Our performance this year enabled us to deliver strong results. [it] will no longer be able to deliver on its big plan to revolutionise the way US consumers buy their groceries.</td>
<td>172</td>
</tr>
<tr>
<td>Assist in childbirth</td>
<td>The consultant has delivered two babies today, so appointments are backed up.</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>… about an hour after Mandelson had delivered the final blow to institutions.</td>
<td>6</td>
</tr>
</tbody>
</table>

The ‘deliver services’ sense is the most frequent both in the general corpus and in the business domain (using the classification of text origins provided by the corpus compilers). If the business section of the corpus is taken out, the number of these citations in Table 3 would drop slightly, from 101 to 93 in a random 250 citation sample, accentuating the difference between the main general corpus and the business sub-corpus. Even without the business sub-corpus, there are many citations in the rest of the OEC that describe business, including the environment, news and transport corpora: in summary, the vast majority of the citations of this use of deliver describe some aspect of business. This search supports our hypothesis that this use is characteristic of business texts or discussion of business in other genres.

To investigate our second hypothesis, that the main use of deliver/delivery in the penal policy documents is related to the use typical in the business domain, we concordanced and examined all citations in the four documents. We found that apart from one non-metaphorical use in Revitalising Justice, and three in the Criminal Justice Bill, all the uses in the policy document exemplified the use of deliver/delivery as rendering or producing something. This confirmed the second hypothesis.

Table 4 gives more information about context, and examples from each document. This shows that deliver is being used in the same way as is typical in business language, to
produce or render something. But what is striking about the policy text examples are the range of things being delivered. This led us to investigate the typical objects of *deliver* in business discourse compared with its typical objects in the policy documents.

Table 4 Citations of *deliver* and *delivery* in the penal policy documents

<table>
<thead>
<tr>
<th>Document</th>
<th>No of cits</th>
<th>Object (of verb)/Reference (of noun)</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotland’s Choice</td>
<td>11</td>
<td>Justice, service, success, support, community disposals</td>
<td>… the problem of delivering better and swifter justice for offenders, victims and communities.</td>
</tr>
<tr>
<td>Revitalising Justice</td>
<td>8</td>
<td>Penal policy, system, woman or girl*</td>
<td>… part of the delivery of a coherent penal policy system.</td>
</tr>
<tr>
<td>Protecting Scotland’s Communities</td>
<td>43</td>
<td>Successful country, justice, system, service</td>
<td>… a penal policy that will contribute to delivering a safer and stronger Scotland.</td>
</tr>
<tr>
<td>Bill+</td>
<td>3</td>
<td>Document, copy</td>
<td>A postal service which provides for the delivery of a document to be recorded.</td>
</tr>
</tbody>
</table>

*A literal use (‘she will be delivered to her parents’).
+All three uses in the Bill are literal.

An examination of the most frequent right collocates of the verb form of *deliver* in the OEC and in the policy documents showed us the words that are most typically the object of verbal *deliver*. We used Sketch Engine to identify right collocates in the OEC, then examined concordances for each, and discarded words that typically occur with a different sense of the word, or which are not a grammatical object. We used these data to produce Table 5, which shows objects of *deliver* in descending order of frequency. Table 6 presents objects of *deliver* in the policy documents.

Table 5 Objects of *deliver* in the OEC

<table>
<thead>
<tr>
<th>Rank order of frequency in immediate right position</th>
<th>Word form</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Service</td>
</tr>
<tr>
<td>2</td>
<td>Services</td>
</tr>
<tr>
<td>3</td>
<td>Value</td>
</tr>
<tr>
<td>4</td>
<td>Results</td>
</tr>
<tr>
<td>5</td>
<td>Growth</td>
</tr>
<tr>
<td>6</td>
<td>Returns</td>
</tr>
<tr>
<td>7</td>
<td>Earnings</td>
</tr>
<tr>
<td>8</td>
<td>Performance</td>
</tr>
<tr>
<td>9</td>
<td>Quality</td>
</tr>
<tr>
<td>10</td>
<td>Profits</td>
</tr>
</tbody>
</table>
The two corpora share the collocation ‘deliver services’. In the OEC, where, it was noted, most uses refer to business, the object of deliver is generally associated with money, and other related, positively regarded outcomes of business. The use in the penal policy documents shares these positive connotations (or, more specifically, prosody, in Sinclair’s (1991) and Louw’s (1993) terms). Only desirable things are delivered in the penal policy documents, which is shown by the adjectives used with deliver’s objects: smart, effective, successful, safer, stronger. Hence, in borrowing this example of business lexis, the penal discourse is simultaneously carrying over its associated normative positioning. This is not surprising, in that policy texts typically seek to persuade readers that the proposals contained within them are right or good. The particular business-related use of language to do this imbues the prosody with a particular image of government as a can-do, go-getting actor.

In the policy documents, the object is extended from words associated with service, such as agenda, programme and support, to the non-monetary entities justice and sentences. This extension in use seems to package justice, sentences, and even a successful Scotland as entities that are provided by the state, and given to the public.

These examples show that the policy discourse is not merely imitating a business lexis by borrowing its jargon and style, but is extending its use beyond conventional business objects by applying it to policy subjects, potentially reconstituting them as the kinds of objects amenable to business strategies. This argument resonates with a managerialist account of public services in which ‘the generalised conception of business management

### Table 6 Objects of *deliver* in the four penal policy documents

<table>
<thead>
<tr>
<th>Rank</th>
<th>Frequency</th>
<th>Word Form</th>
<th>Number of Occurrences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Justice</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Sentences</td>
<td>6</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Policy</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>System</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Service</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Agenda</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Programme</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Support</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Exchange of information</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>A successful country</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Smart disposals</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Effective solutions</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Early years framework</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Payback</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Plans</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Change</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>A safer and stronger Scotland</td>
<td>1</td>
</tr>
</tbody>
</table>
[provides] the model for public service organisations’ (Clarke and Newman 1997: 58). However, this example shows that there is more going on than a mere borrowing of business language to emulate business practice. Applying the business use of *deliver* to a range of abstract and incommensurable concepts as shown in Table 6 has consequences for how those objects can be taken up as policy issues. Treating justice as something that can be *delivered* assumes a particular kind of relationship between citizen and state, introducing presuppositions about which actors have responsibility for or the right to be involved in achieving it.

*Manage, management*

The word *manage*, and its inflections, and the derivation *management* are also relatively frequent in the policy documents. In this section, we begin by examining conventional use as described in two major corpus-based dictionaries and attested in the OEC, then compare the citations found in the policy documents. In the dictionaries that we consulted, the meaning listed first is associated with business:

If you manage an organisation, business or system, or the people who work in it, you are responsible for controlling them (Collins Cobuild)

To organise and control the work of a company, organization or group of people (Macmillan)

These definitions suggest that the prototypical subject of *manage* is the person whose job it is to manage, while the prototypical object is a company or business. OEC data show that this sense has been extended to cover objects that are fairly abstract, such as a situation or people’s performance, and that in parallel, the action referred to by *manage* has been extended from organisation and financial control to refer to all aspects of control. A further extended use of this sense is to talk about illnesses and pain, as in the following OEC citation:

Combat stress reaction is a normal reaction to a very abnormal situation and does not constitute a psychiatric illness although incorrectly *managed* it may become one.

This use of *manage* implies a negative situation that ideally would be eradicated, but as this is not possible, it is dealt with and kept under control. We regard this use is metaphorical, because the contextual meaning differs from the basic, business meaning, but is related by comparison. OEC citations show that these two related senses of *manage* and *management* are used to talk about a number of topics. Both also appear frequently in the policy documents.

Across the four policy documents, there are 131 citations of *manage* (including its inflections) and *management* (discounting a few clearly unrelated uses such as *manage to*, meaning ‘succeed with difficulty’). The most frequent object of *manage*/*management* is *sentence* or *sentences*, collocations that occur 43 times. The second most frequent object is *offender* or *offenders*, found 35 times, and the third most frequent is *risk*, occurring 20 times. Examples of each are as follows:
… a 3 stage approach to sentencing and managing community sentences.
… management of the risk posed in the local authority’s area…
… coherent strategy for the treatment and management of all offenders…

We compared the entities that are typically managed in the policy documents with those in the OEC. In the OEC, with the first meaning of *manage*, these are: *company, business, resources, funds, system, affairs, companies, information, budget and government* (in descending order of frequency). With the second of the meanings described above, the entities managed in the OEC include: *illness, emotions, pain, (problem) hair, symptoms, depression, children’s [bad] behaviour, children’s special needs, fatigue, stress*. (None of these words is frequent enough individually to appear in an automatically generated list of collocates; this list was selected from collocates perceived to be typical, found by a manual search of the OEC concordance for *manage*.) It will be noted that the second group are typically negative; citations imply that the managing is difficult. Of the citations for *manage* and *management* found in the four policy documents, the collocations *risk management* and *manage risk* seem to belong in the second group.

It is not obvious whether *managing offenders* and *managing sentences* are instances of the business use or of the metaphorically related ‘problem’ use. What is clear, however, is the lack of a positive connotation in all uses of *manage* in the policy documents. This is in contrast to the prosody of deliver. While effective management is seen in the documents to lead to positive things like less reoffending and harm to communities, this is achieved by containing problems arising from sentences, risks and offenders. If *deliver* is about the positive creation and supply of public goods, then *management* appears to be about limiting the threats to these goods. Here again, not only is the lexis of business borrowed by the policy documents, but its normative orientation is as well. Expectations about the ability of the government to reduce or eliminate crime are lowered through use of the *management* concept. The limited ability of states to have direct impact on such things as crime has been identified as a key feature of contemporary crime control strategies (Garland 2001). This analysis shows how language encourages lowered expectations. Unlike a medical model of crime as disease – a conceptual frame dominant throughout the 20th century, in a management model crime cannot be cured, but only monitored and (to some extent) contained (Canton 2010).

A further point arises from considering the relationships between the things that are the most typical objects of *management: sentences, offenders* and *risk*. Both the entity being controlled (the offender), and the mechanism established to effect that control (the sentence) are to be *managed* in order to limit risk, suggesting that the policy focus of our texts is as much on the organisation of services as on the actor for whom these services are intended. This further reflects the business origins of *risk management* where it used as a mechanism of internal control. In the context of public sector activities like criminal justice *management* of risks ‘translate[s] primary or real risks into systems risks’ (Power 2004: 24). This analysis shows the tenacity of the *management* metaphor: it re-orients a policy discourse ostensibly aiming to have an impact on ‘real’ risks of crime and offenders into one which can justify a focus on the
Conclusion
In this article, we have used metaphor analysis to produce detailed understanding of the meanings in text, in this case an example of penal policy discourse. Criminologists and sociologists (among others) have noticed the use of metaphor in policy, but have lacked the technical methods needed to generate empirical evidence which supports an evaluation of the extent to which metaphors frame and influence literal thought and action. Conceptual Metaphor Theory makes the link between language and thought by arguing that the overarching concepts by which we know the world come from metaphors which are developed throughout a text. We started out this project with a particular interest in the concept of payback, a metaphor introduced to stand for the ‘new’ approach to punishment in Scotland. What we found is a case of a (so far) failed metaphor: despite attempts in the first document of our corpus to describe what payback should mean as punishment, later documents which developed the policy agenda failed to engage with these meanings and indeed the word payback itself came to stand only for the label of a new legal sanction. The final document of our text, reduces payback thus (Criminal Justice & Licensing (Scotland) Bill 2009, Section 14(227A)(1)):

Where a person (the “offender”) is convicted of an offence punishable by imprisonment, the court may, instead of imposing a sentence of imprisonment, impose a community payback order in respect of the offender.

However, while one story from this project is about a failed metaphor, another part is about a set of successful metaphors related to business and management. The importance of business language in our texts was an unexpected and unsought finding. Where the automatic frequency analysis immediately revealed payback to be relatively significant in terms of how many times it was being used in the text, the business lexis was less explicit and became apparent only through open-ended readings of the documents. Unlike the one-shot metaphor quality of payback, the language of business is being realised throughout the text by a variety of word uses and forms, suggesting it is making a stronger connection to abstract thought than payback is.

Our findings suggest that what were the beginnings of a managerialist orientation in the late 1990s has become a well-established feature of criminal justice policy discourse a decade into the 21st century. This is unlikely to surprise many. What we believe we add to this debate is to show the importance of language, and the tools of figurative language analysis, is to understanding the spread, meaning and resilience of a management culture. The analysis of business metaphors applied to criminal justice activities allowed us to trace how these values and techniques are being put to new uses, uses which may well be unfamiliar to businesspeople themselves. Our analysis also shows some contradictory tensions in the managerial discourse of policy. Where the deliver concept promises big things – justice, a successful country, results – the management concept works to discourage too much confidence in the state’s powers. The conflation of what is being managed – sentences, offenders and risks – also draws our attention to the new accountability structures that managerialism brings: there are expectations not just for the behaviour of offenders, but for the efficacy of their overseers as well.
Whether or not the policy makers involved in the Scottish penal reform project are acting like business people, they certainly are talking like them, and this may well be the more crucial factor in assessing the outcome of attempts to re-orient the normative underpinnings of penal policy.

References


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i This research is part of a larger policy studies project supported by an ESRC Grant (RES-000-22-2881, ‘Ethnography of Penal Policy’).

ii This research is part of a larger policy studies project supported by an ESRC Grant (RES-000-22-2881, ‘Ethnography of Penal Policy’).

iii All examples taken from Engaging Communities in Fighting Crime: A review by Louise Casey (2008), though these images are commonplace.

iv All the documents are available online at: www.scotland.gov.uk