Payback and punishment: Metaphors in Scottish penal reform

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Objectives

Our joint linguistic analysis was part of a larger research project* aiming to chart the course of developments in thinking about punishment in Scotland.

We analysed figurative language in four key documents with the aim of tracing developments in thought around offenders and punishment.

*’Ethnography of Penal Policy’, ESRC Small Grant (2008-2010)
The context of penal reform in Scotland

• Major reform of prison policy currently underway

• Prison re-cast as problem of national identity, shifting away from crime and punishment

• Legislation and policy programmes seek radical change in use of prison and community sentences under a new penal concept of ‘payback’ (aka ‘paying back’)

Identifying figurative language:

1

We used the pragglejaz understanding of metaphoricity, and followed the procedure for borderline metaphors.

We did not analyse highly conventional uses of grammatically ‘empty’ or nearly empty words such as prepositions.
Methodology: identifying figurative language 2

We took a two-part approach. Firstly, we:
Used WordSmith Tools v5 to identify most frequent word forms.
Identified all instances of figurative language in the top 200 word forms.

Secondly, we:
Read the four documents and identified metaphors and metonymy.
Methodology: Analysis

We grouped metaphor vehicles into semantically related sets, named ‘systematic’ metaphors, following Cameron, Low and Maslen, 2010.

We used WordSmith Tools v5 to produce concordances for the most frequent figuratively used words, and for all members of the ‘systematic’ metaphors identified.
Methodology: Analysis

Using the concordance data, we further studied the contextual meanings and lexico-grammatical features of the figuratively used words. We compared these findings with concordance data for the same word forms from a reference corpus, the Oxford English Corpus (a 2 billion word corpus of contemporary written and spoken English).
Frequency results

Little figurative language among the 200 most frequent word forms.

‘Court’ is the 2nd most frequent lexical word:
Two metonymies:
1. Court as people who make decisions
   ‘The court also aims to ‘make justice swift’. ‘
   ‘… where a person is sentenced to life imprisonment, the court is required to specify the ‘punishment part’ of the life sentence.’
Court as metonymy

2: court as place, standing for the process of justice

‘… requiring the offender to come back to court multiple times.’
‘Court’ in the Criminal Justice Bill

There are 471 occurrences, all but approximately 35 are metonymic. Almost all are instances of the first metonymy. Court stands for the people who make decisions about offenders; this is stated in the Bill: ‘Court means the High Court, the sheriff, or a justice of the peace court’ (p. 17).

Courts .... Consider, state, explain, propose, ensure, require, be satisfied, direct...
Payback

- A new penal concept with an emphasis on restorative and rehabilitative aims of punishment

- Not like payback in England! (An explicitly punitive approach)

Source: Scotland’s Choice (2008)
Citations of ‘payback’

1. clarity in sentencing, investment in local reparative and rehabilitative services and visible offender payback.

2. an appropriate range of sentences, which meet the community’s and victims’ needs for visible rigour and payback for harm done,

3. sentences that provide the appropriate balance of support for offenders and payback to the communities affected by their offending.
Analysis of 500 citations of *payback* in the OEC

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenge</td>
<td>…the death of the British consul-general, which was described yet again as <em>payback</em> for Iraq.</td>
<td>197</td>
</tr>
<tr>
<td>Financial return</td>
<td>a cost of 174 million pounds, which would require a <em>payback</em> of 36 million pounds a year</td>
<td>142</td>
</tr>
<tr>
<td>Non-financial return</td>
<td>she saw (her exam results) as <em>payback</em> for nine months of study, personal sacrifices and unwavering commitment</td>
<td>117</td>
</tr>
<tr>
<td>Phrasal verb without spacing</td>
<td>…which allows students to <em>payback</em> after they have graduated at a much higher tax rate</td>
<td>27</td>
</tr>
<tr>
<td>Name of film</td>
<td><em>Payback</em>, the Mel Gibson movie, works, but in a skillfully mindless action-flick way</td>
<td>14</td>
</tr>
<tr>
<td>Restitution</td>
<td>… offenders have to make amends to victims or <em>payback</em> to society</td>
<td>3</td>
</tr>
</tbody>
</table>
Payback: related metaphors

1 metaphorical use of repay
1 metaphorical use of debt
## Deliver in the OEC business domain

<table>
<thead>
<tr>
<th>literal</th>
<th>Arnotts [...] <em>delivered</em> wedding items at least two to three times a week.</th>
<th>41</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convey message</td>
<td>.. an Irish website called eumom.com that <em>delivers</em> information to pregnant women</td>
<td>29</td>
</tr>
<tr>
<td>Produce, give</td>
<td>Our performance this year enabled us to <em>deliver</em> strong results. [it] will no longer be able to <em>deliver</em> on its big plan to revolutionise the way US consumers buy their groceries.</td>
<td>172</td>
</tr>
<tr>
<td>other</td>
<td>Delivered two babies… deliver the final blow</td>
<td>8</td>
</tr>
</tbody>
</table>
# Meanings of deliver/delivery in the policy documents

<p>| | | |</p>
<table>
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<tr>
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</thead>
</table>
| 1. Produce, give | … the problem of *delivering* better and swifter justice for offenders, victims and communities.  
… part of the *delivery* of a coherent penal policy system.  
… a penal policy that will contribute to *delivering* a safer and stronger Scotland. | 61 |
| 2. literal | A postal service which provides for the *delivery* of a document to be recorded.  
… she will be *delivered* to her parents. | 4 |
Objects of *deliver* in the OEC and policy documents

1. Service
2. Services
3. Value
4. Results
5. Growth
6. Returns
7. Earnings
8. Performance
9. Quality
10. profits

1. Justice
2. Sentences
3. Policy
4. = System, service
6. Agenda
7. =[Programme, support, exchange of information, a successful country, smart disposals, effective solutions, early years framework, plans, change, a safer and stronger Scotland]
Business lexis 2

Manage/ management

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)
Manage in the OEC

Two main meanings, excluding ‘manage to’.

The company managing the airport had a legal monopoly

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.
Manage in the policy documents

... a 3 stage approach to sentencing and managing community sentences a clearer, more understandable system for managing offenders

The open estate should review the risk assessment and risk management plan as soon as possible after transfer..
### Collocates of *manage* in the OEC, by sense

<table>
<thead>
<tr>
<th>Business use</th>
<th>Negative sense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Company</td>
<td>1. Illness</td>
</tr>
<tr>
<td>2. Business</td>
<td>2. Emotions</td>
</tr>
<tr>
<td>3. Resources</td>
<td>3. Pain</td>
</tr>
<tr>
<td>4. Funds</td>
<td>4. Symptoms</td>
</tr>
<tr>
<td>5. System</td>
<td>5. Depression</td>
</tr>
<tr>
<td>6. Affairs</td>
<td>6. Stress</td>
</tr>
<tr>
<td>7. Companies</td>
<td>7. Fatigue</td>
</tr>
<tr>
<td>8. Information</td>
<td>(problem) hair</td>
</tr>
<tr>
<td>10. government</td>
<td>10. (Children’s) bad behaviour</td>
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</tbody>
</table>
Sociological Implications and Conclusions
On PAYBACK

• Metaphor analysis reveals a novel, and counterintuitive, use of payback in penal discourse

• Will payback ‘work’ to re-frame practices or understandings of punishment?
On DELIVER/Y

• Provides linguistic evidence of sociological claims about the pervasiveness of a managerialist and actuarial ethos in CJ (and the public sector generally) (Clarke and Newman 1997, Power 1997)

• 3 distinctive object types: (1) activities, (2) business results and (3) abstract ideals

• On top of hiding/highlighting, conflation as well
On MANAGE/MENT

• Duality of management’s object: (1) the problem (offenders/ing) and (2) the system set up to deal with the problem (CJS)

• Linguistic evidence of a new paradigm of punishment?
  ⇝ Punish the wrong (*legal, moral*)
  ⇝ Treat the disease (*medical*)
  ⇝ Address the needs (*social welfarist*)
  ⇝ Manage the risk (*actuarial*, but see Rose 2000)
Conclusions

• Value of interdisciplinary metaphor work: methodologically rigorous approach to metaphor analysis sheds light on broader sociological debates about power, justice and the state (Hamilton et al. 2007)

• Raises new questions for respective fields, e.g. interaction of punishment and business metaphors?