

REGULATING CONTRADICTIONS: THE AUSTRALIAN PRESS COUNCIL AND THE “DISPERSAL OF SOCIAL CONTROL”

PAT O'MALLEY

The history of the Australian Press Council presents an opportunity to examine the thesis that advanced capitalist states are systematically resorting to dispersed forms of social control. While the council appears to conform to the specifications of a “dispersed agency,” it appears largely to be unintelligible in such terms. While representing some aspects of a social control institution, it is better comprehended in terms of the contradictory characteristics of the social field in which it is located, rather than in terms of a broad strategy of state expansion. The dispersal model should be recast to take account of such variations and to recognize the extent to which social fields may generate their own forms of institutionalized control, which bear a highly problematic relation to state regulation.

I. INTRODUCTION

An increasingly influential body of research and theory is forming around the recognition that capitalist interventionist states are undergoing a period of rapidly accelerating but concealed expansion in their regulatory capacity that has been called a “dispersal of social control” (Cohen, 1979). Proponents of this view argue that as the state intensifies its penetration of civil society, it takes on the forms of civil society, so that the administration of public policy progressively takes place through delegated or mediated regulation. Nonstate organizations become the remote or dispersed agents of state function (Winkler, 1977; Abel, 1982a, 1982b; Fitzpatrick, 1983; O'Malley, 1982). In his work dealing with informal justice, for example, Abel (1982a: 275) argues that the movement, while it “purports to devolve state authority on nonstate institutions, to delegate social control to businesses, neighborhoods, and other private

The research upon which this paper is based was carried out with funds made available by the Research and Travel Grant Committee, School of Social Sciences, La Trobe University, Melbourne. I would like to thank Rick Abel, Zen Bankowski, Kit Carson, Robert Kidder, and Sheldon Messenger for their comments and suggestions on earlier drafts of this paper.

LAW & SOCIETY REVIEW, Volume 21, Number 1 (1987)

entities," is in fact operating to "expand the grasp of the state." Apart from the obvious advantage that such a strategy externalizes the fiscal costs of regulation from the state treasury, which means that "more intervention is possible within the same budget" (*ibid.*, p. 271), the strategy of delegation allows governments "to conceal potentially contentious state activities. Using administrative institutions that appear less than fully governmental enables central political actors to deny an equivalent measure of responsibility for what the government is doing" (Winkler, 1977: 54). In addition, because they are not restricted to regulation in terms of the civil or criminal law, such delegated authorities are able to review actions that are normally beyond the purview of state control (Mathiesen, 1980; Abel, 1982a: 272).

As Abel's (1982a) extensive review of the field demonstrates, research and theory into these issues have made major contributions to our understanding of the changing nature of contemporary political and legal relations. However, such work is not without significant problems. At the most general level, the point has been made that there is a marked tendency to reduce what may be highly variable and discrete developments to one overall logic of history or to one or another of an array of imputed necessities for capitalist reproduction (Fitzpatrick, 1983; Ignatieff, 1983). In the case of Abel's work, for example, the "social field is seen only in terms of some function attributed to it, such as class containment or legitimation" (Fitzpatrick, 1983: 47). Unresolved is the question of how the multiplicity of struggles and conditions that generated the various institutional arrangements managed to produce such a coherent and subtle political order that so neatly and ingeniously meets the requirements of capitalist development. Indeed, such an approach begs the further question of the unity of capital, and thus of capitalist interests and needs, at this level of state intervention (Stedman Jones, 1977).

In addition, there are problems with the conception of the state that emerges in these accounts. First, the state appears as a monolithic entity endowed with a singularity of purpose and strategy. Yet recent radical commentaries dealing with contemporary capitalist states have been at pains to point out the inescapable significance of the diversity of interests and purposes found among various state institutions. In this interpretation, state policy is a series of poorly integrated, often conflicting, and occasionally contradictory practices and pronouncements (Frankel, 1983; Poulantzas, 1978). Secondly, the state is apparently defined in institutional terms, that is, as a specific

network of agencies. Indeed it is only in such terms that the thesis of state dispersal of administration and regulation makes any sense at all. Such an account ought to locate the exact boundaries of the state. To date no one has set such boundaries.

Finally, there are difficulties with the way in which the notion of dispersal is given concrete form. In certain cases, it may be possible to specify some action by the executive or another state agency that establishes and empowers the nominally private organization to operate on its behalf. However, this is clearly not what is envisaged in the literature with which we are concerned. Rather, the status of the agencies as "dispersed" authorities acting on behalf of (if not always at the behest of) the state depends largely on two assumptions. The first is a broad notion that since all regulation is carried out at the state's sufferance, such bodies represent a "strategy of indirect rule" (Abel, 1982a: 275). More narrowly, it is argued that such quasi-nongovernmental organizations, although nominally private, are "effectively controlled by the state through financial pressure and the latent threat of legal coercion" (Winkler, 1977: 54). The first argument is difficult to accept, if only because the fact of state sufferance does not necessarily imply state support, let alone state delegation. As Ignatieff has recently suggested (1983: 96), political authorities may tolerate institutions in which they have little or no faith because no alternative can be found or because conflict over alternatives is too great to be mediated into compromise. Extending this argument slightly, it would seem not at all unusual for states (or at least particular administrations) to be plagued by such bodies that it would be politically hazardous to shut down.¹ The second argument would likewise appear to be a matter for investigation rather than assertion. It is certainly possible, indeed probable, that fiscal and legislative coercion is wielded against such bodies. Yet particular conditions may frequently render such steps unacceptably hazardous. In short, the question of whether delegation occurs is one that needs to be sorted out empirically rather than by generalized assertions that are likely (at best) to be only partially or occasionally correct. Let me stress that I do not argue that there is *no* foundation to the claims of those who

¹ This may occur precisely because of the contradictions involved in delegating authority to quasi-autonomous agencies. The government achieves insulation from the agencies' activities by granting autonomy, but the greater the autonomy (insulation) the lesser the control over activities. This is problematic because the greater the autonomy then the greater the apparent intervention in closing down or delimiting that body.

detect expansion and diversification in the institutional arrangements of political administration. Such developments are accepted as a major issue for contemporary theoretical concern. Rather, the issues that are cast into doubt concern the accuracy and utility of regarding this diversification as a coherent set of practices that reflect the requirements of capitalist reproduction and that constitute in a relatively straightforward and mechanistic fashion a delegation of regulation from the state.

It is possible to discern in the literature a series of interlocking characteristics that are common to such “dispersed agencies” of social control. These characteristics are closely related to, or more strongly, are functionally derived from, the role that the agencies play in the process of state expansion. For analytical purposes they may be grouped into four categories, based on the following characteristics:

1. *Administrative procedure.* Dispersed agencies, by and large, eschew adversarial models of procedure, partly because this facilitates a greater degree of administrative pragmatism but also because adversarial proceedings are associated with notions of conflict and intimidation, which in their turn raise the regulatory profile of agencies and deter and alienate disputants. Such features would be counterproductive to the general aim of expanding but concealing intervention. Administrative procedure, as used here, implies the substitution of most of the defining characteristics of adversary justice. Arbitration and conciliation displace zero-sum conflict, informal procedures displace the formal rituals of due process, laypersons and nonlegal experts displace lawyers and judges, and engaged and interventionist arbitration displaces the disengaged stance of the judge or magistrate.
2. *Task specialization.* Consistent with the displacement of legal professionals by other expertise, dispersed agencies tend to be far more specialized in their functions than are the formal courts. Examples of the former are tribunals dealing with landlord-tenant conflicts, consumer complaints (often in regard to specific commodities or producers), and small claims disputes. Even when the array of possible matters disputed is extensive, as with neighborhood justice, the agency’s field of operation is still narrower than that of a traditional court, largely by virtue of the relative triviality of the issues that can be brought before it.
3. *Delegated or mediated enforcement.* Agencies are dispersed in the sense that their direct subordination to a state agency, bureaucracy, or official is apparently disrupted or concealed. As will be evident

from earlier comments, this characteristic is crucial to the whole implied strategy of expanding regulation inconspicuously. In this respect it may be possible to distinguish between delegation to a private agency or body and delegation to quasi-state or public bodies, or even to posit a continuum of agencies along such lines. At one extreme would be instances when private industries have been handed the role of regulating their production and distribution practices. These may be regarded as "administrative agents of the state" because they are constituted as "private bodies effectively controlled by the state through financial pressure and the latent threat of legal coercion" (Winkler, 1977: 54). On the other hand there are situations involving the establishment of public bodies whose "relationship to state authority remains ill-defined" (ibid.). Under this heading would be classed agencies such as landlord-tenant tribunals, royal commissions, and neighborhood courts, which are established by the state but granted a field of autonomy for their practice.

4. *Sublimation of sanctions.* Removal from the arena of formal justice and direct state control is associated with a tendency to reduce, conceal, or abandon punitive sanctions (Cohen, 1979). This practice is also consistent with the strategies of reducing client alienation and promoting legitimation, arbitration, and conflict reduction. Sanctions, despite their more covert or palatable form, may nevertheless be regarded by advocates of the dispersal model (ibid.; Abel, 1982a) as coercive, but in more subtle ways.²

It should be clear from this brief characterization of dispersed agencies that a very great variety of bodies and institutions is encompassed within that class. When this is considered, especially in light of the doubts raised above, it may be understood that we should approach the rather inclusive and reductionist claims of the dispersal model advocates with a considera-

² This characterization accords with the very brief one provided by de Sousa Santos (1982: 255) in Abel's (1982b) collection on informal justice. He located five characteristics:

1. Emphasis on mutually agreed outcomes rather than on strict normative correctness.
2. Preference for decision through mediation or conciliation rather than adjudication.
3. Recognition of the competence of the parties to protect their own interests and to conduct their own defense in a setting that is deprofessionalized and a process that is conducted in ordinary language.
4. Choice of a nonjurist as the third party (though one with some legal training) whether or not elected by the community or group to be served by the conflict resolution institution.
5. Little if any coercion that the institution can mobilize in its own name.

ble degree of caution. This is all the more so because some of the arguments of these theorists lead us to expect that a high degree of complexity and variability will be manifested in relationships between legal order and the broader political economy. In particular, theorists such as Abel (1982a), Spitzer (1982), and de Sousa Santos (1982) express allegiance to a focus on dialectic and contradiction. That this focus should lead to a rather mechanistic articulation between legal order and the broader political economy is all the more surprising because Spitzer raises quite explicitly the question of how such analysis can proceed without falling into the trap of determinism (or, at the other pole, the trap of assuming that dialectical transformations are "open ended, free floating and totally contingent" [1982: 170–171]). Like other critics of this work, most recently Henry (1985) and Fitzpatrick (1983), I do not wish to challenge the general assumption that, in Spitzer's words (1982: 170), "the paradoxes, ironies, and surprises that come to light when we explore the dialectics of formal and informal control . . . are clues to the underlying fabric of contradictions and conflicts upon which the entire symbolic and operational edifice of the law rests."

Instead, I wish to focus attention on the possibility that there may be more complex articulations between the development of informal control and the "underlying fabric of contradictions" than is allowed for in the current model of dispersal theorists. An important start in this direction has been made by Henry (1985), who has demonstrated the need to allow for the impact of social fields and their normative orders upon the total system of legality or control, that is, the impact of the parts upon the whole. My purpose here is to explore further along these lines in an effort to inject a greater degree of theoretical precision and sensitivity into our understanding of the dialectics of state expansion. I will examine the history and operation of one example of an agency of dispersed social control and investigate the manner in which contradictions embedded in the field to be regulated by this agency are themselves inscribed into the organization and its structure, operation, and effectiveness. The analysis suggests that characteristics of specific fields of regulation have a major impact on the mode of regulation (or nonregulation) that is developed for them.

The agency in question is the Australian Press Council (APC), which was set up in 1976 to monitor and regulate standards of newspaper reporting. Both Winkler (1977: 54) and Abel (1982a: 269) refer to similar press-regulatory agencies as examples of dispersed social control, and it likewise appears

that the APC does conform closely to the characterization of dispersed agencies provided above. The APC was established under conditions that involved government interventions (the "state," according to standard interpretations). It is staffed not by lawyers but by journalists, laypersons, and publishers' representatives, and focuses specifically on issues of press performance. Finally, it operates according to informal procedures and has no coercive powers. In such ways the APC appears to represent almost an archetypal dispersed agency, and thereby constitutes a legitimate case in terms of which the thesis of dispersed regulation may be explored.³

II. THE FORMATION OF THE AUSTRALIAN PRESS COUNCIL, 1942–76

Any conception of the APC as an agency formed out of state imperatives for regulation must confront the fact that its eventual formation was preceded by over thirty years of struggle during which the main protagonists were the organizations of labor and capital in the Australian newspaper industry. Even more important is the fact that neither these protagonists nor the Australian Labor Party (ALP)—the third participant in this history—has ever been unconcerned about the regulatory capacity of such an organization. For varying reasons, each confronts the problem of press regulation in terms of a contradiction between the ideologies of freedom of the press and the imperatives for commodity regulation.

Proposals for a press council have their Australian origins in 1942, when the New South Wales branch of the Australian Journalists Association (AJA) drafted a set of professional ethics. This code was to be enforced by a disciplinary committee empowered to levy fines on members in breach of the regulations. While this was to be one aspect of a broader process of professionalization, it revealed a contradictory pair of ideas at work in the history of the AJA. On the one hand is a notion of

³ It should not be thought that such writers are dealing with an example of professional self-regulation in which the profession is granted autonomy from the state in return for which it regulates its own members and their practice (cf. Akers, 1968). Rather the model of dispersed control implies no such autonomy. Winkler (1975: 125), for example, explicitly argues that such developments

should not be confused with current notions of "professional self-regulation," under which an occupational group governs its own affairs and enforces its own standards on members, in the name of traditional principles . . . Such self-regulation implies genuine autonomy . . . [whereas in the modern state] self-regulation means the use of occupational groups to implement or enforce policies decided upon by the state in the name of the nation.

journalism as a *profession* embracing the workers, management, and owners in the industry, held together by an encompassing ideology of freedom of the press. In conflict with this notion are the bitter *union*-style struggles between the AJA and newspaper ownership and management (Sparrow, 1960). For this reason newspaper owners, management, and senior editorial staff are all ineligible for AJA membership.

Because of this lack of complete incorporation in the AJA, the association sought some measure of state intervention to secure compliance with the ethics code from ownership and management. At this point, it encountered a further and major contradiction. While the code of ethics integral to professionalization seemed to require coercive intervention, and thus by implication some state guarantee for its exercise, such state intervention and control was anathema to the central free press ideology of the profession. The attempted resolution was to form a statutory disciplinary body that was free from coercion and state participation. The proposed State Standing Committee on Newspaper Ethics in 1942 was to consist of the nominees from newspaper publishers, the AJA, the union movement, and Sydney University and to be presided over by a judge. Its sanction was to be the requirement that an offending newspaper publish the tribunal's decision.

Although the AJA was unable to persuade conservative state governments to translate this proposal into practice, it was successful in gaining endorsement from Labor parties and the union movement. A swing to Labor governments during the war years had put increasing pressure on the press proprietors. By January 1945 the Australian Newspaper Publishers Association (ANPA), which represented all major newspaper publishers, was sufficiently on the defensive about the issue of a committee on ethics that it entered into negotiations with the AJA, the outcome of which was the Australian Newspaper Board (ANB). Established to "ensure harmonious relations in the newspaper industry," the board reflected an attempted compromise *per medium* of the specific ideologies of journalistic professionalism. Thus among its objectives were to "promote, advance and protect the professional status and welfare of Australian journalists and journalism" and to "promote, preserve and defend the freedom, independent status and integrity of the Australian press." It was also to "deal with matters associated with newspaper ethics" (*Journalist* [Sydney], April 1945: 1). This latter concession was the price paid by the newspaper publishers for the AJA's withdrawal of its call for a statutory body. In short, the ANB was set up to preempt state interven-

tion and under terms that attempted to unify newspaper labor and capital under a professional ethos. Thus the board was to have equal representation of ANPA and AJA members but, in a significant deviation from the AJA proposal, neither public representation, statutory basis, nor a compulsory sanction.

From these indicators, it could be concluded that the newspaper publishers had negotiated their way to a successful outcome, for as the AJA itself admitted the real function of the board was to "maintain confidence in the press and keep newspapers at a high standard in public prestige" (*ibid.*, p. 1). It could not nor ever came to function as a regulatory body, for it was never effectively organized, the nature of participation by newspapers was never clarified, and the nature of the principles it was to enforce and the sanctions it was to exercise seems to have been a question deferred to some later date.

In 1954, the AJA began an attempted resuscitation of the ANB, partly in response to a series of local press mergers and partly in response to the formation of the British Council of the Press in the previous year. A year later, the AJA put forward a proposal for the establishment of state press councils along the lines of the British example but with greater public representation. Support for such an idea was forthcoming from the New South Wales state Labor government. Although the state Labor Party endorsed the establishment of a press council as official policy, nothing came of these moves (Connolly, 1981: 90–91). Still, by 1962 the New South Wales state Labor Party had drawn up its own proposal for a press council in which publishers were outnumbered by AJA, union, and public representatives. More significantly, the council was to have a statutory power to compel newspapers to publish its findings, enforceable by monetary sanctions (*Journalist* [Sydney], July 1963: 5). In the same year, the federal Labor Party began examining the possibility of a National Newspaper Control Committee along similar lines and with a more explicitly legal basis. Despite this interest, at the federal level Labor had little chance of gaining office, and the New South Wales state Labor government was put out of office in 1965 before it could take any steps toward implementing their party policy. During the ensuing years, the absence of a Labor government federally or in any major state ensured that the issue remained on the sidelines, and it was only the prospect of a federal Labor government that was to promote the issue back into the realms of possibility.⁴

⁴ See Connolly (1981: 90–102) for a detailed account of developments

In the early 1970s the newspaper industry was presented with a changing political environment. The Liberal-Country Party (LCP) coalition, which had been in power at the federal level since 1949, was clearly in deep trouble as factionalism and leadership crises pitched it toward electoral disaster. The ALP had now to be taken more seriously, and during 1971 it had formalized a political platform that foreshadowed the establishment of a Department of the Media and the initiation of a feasibility study for the establishment of an Australian newspaper commission that would publish a newspaper independent of government and private capital. About the same time the Australian Newspaper Council (ANC) began negotiations with the AJA to establish a voluntary press council.⁵ However, it would appear that these talks were doomed from the outset. Of the three major news corporations making up the ANC, two indicated their hostility in fairly unambiguous terms. The Fairfax corporation wrote to the AJA stressing that it had no intention of participating in the talks and did not believe that a press council should be set up (*Journalist* [Sydney], February 1972: 8). News Ltd., the corporation run by Rupert Murdoch, reacted to proposals with a stinging critique of the British Press Council, which Murdoch regarded as a “fig leaf” and a form of “hypocrisy” that was not necessary in Australia (Regan, 1980: 226). Only the representatives of David Syme & Company (a subsidiary of the Fairfax corporation) took a vocal line in support of the idea. Two days before the AJA was to meet the ANC, Graham Perkin, the editor of Syme’s *Age* (Melbourne), supported the press council concept in terms that both reflected the times and were to become a standard rationale for the formation of a council:

My great fear is that unless the newspaper industry establishes some form of self-surveillance, unless it gives its readers a channel through which to make complaints and to test the Press’s performance, then we will one day, perhaps soon, have surveillance forced upon us by Government (quoted in Connolly, 1981: 104).

during the period 1955–69. A number of rumblings did bring the issue near the surface between 1965 and 1970. In particular, these included calls for the Victorian state Labor Party to set up a statutory council with powers to compel publication of its decisions (Beckwith, 1977: 31), and an ineffective submission by the AJA to federal and state attorneys general to set up a press council, preferably with a statutory basis (*Journalist* [Sydney], December 1969: 1).

⁵ In 1948 certain companies publishing metropolitan dailies formed the ANC as a breakaway group from the ANPA. It had quickly superseded the latter as the primary peak business organization for newspaper capital (Sparrow, 1960: 119). The two were reunited in 1958 under the title ANC.

Clearly Perkin was alluding to the Labor Party, not the LCP administration, for the latter had never shown interest in this direction. Indeed, two LCP ministers had recently made clear their belief that this was entirely a matter for the newspaper industry to sort out by itself.⁶

Nothing came of the negotiations between the AJA and the ANC. Indeed, so long as nothing occurred that would create some major crisis for the ANC, it was very unlikely that the stalemate would be resolved. For the first year or so of its office, the Labor government enjoyed relatively harmonious relations with the press, and the press council issue slipped from prominence. Yet toward the end of 1974, the more traditional pattern of press hostility to Labor administrations began to emerge. As government-press relations deteriorated, the ALP moved onto the offensive by proposing increased regulation of the broadcast media, which in Australia are largely owned and controlled by newspaper corporations. The Labor legislation was, of course, denounced by the main media groups, with the Fairfax-owned *Sydney Morning Herald*, for instance, headlining its coverage "Big Brother for T.V." (October 16, 1974). In the same month, Perkin (1974: 3) repeated his warning of two years before, but in stronger terms:

I have no doubt that we will have a Press Council forced on us one day by this government or the next. It would be best if we initiated this move ourselves so that the Press Council we get reflects the best ambitions and motives of the press rather than the ignorance and misunderstanding of public servants and some academics.

In short, the press council was to be the product of a preemptive strike aimed at displacing government intervention and a statutory body. But such a step was still deemed unnecessary or unacceptable to the majority of the ANC, possibly because the LCP coalition, which controlled the Senate, was committed to blocking media regulation legislation.⁷ Relations between the media corporations and the government began to polarize and were rapidly nearing a crisis point by February 1975, when Prime Minister Gough Whitlam issued writs against the Mur-

⁶ In October 1969 the LCP Attorney General had announced in parliament that he "did not think it would be desirable or appropriate for me to attempt to bring any pressure to bear upon any of the groups within the press industry to promote the establishment of a Press Council" (quoted in *Journalist* [Sydney], November 1969: 2). The Minister for the Interior, as the only other minister whose powers impinged on this area, supported this view in February 1970 (*ibid.*, March 1970: 7).

⁷ Indeed, the Broadcasting and Television Amendment Bill was blocked in December 1974 and again in June 1975.

doch press.⁸ That same month witnessed the ALP's federal conference, which affirmed that "monopoly of mass communication resources will be resisted and Labor will impose a limitation on the ownership of radio and television services by newspaper interests" (*Journalist* [Sydney], March 1975: 17).

The message was clear. Within a month, negotiations began afresh between the AJA and the ANC. Clearly, the AJA was now taking up Perkin's message, its president noting that "we are running short of time on this important issue" and that "I believe that if we cannot reach agreement soon we will find standards imposed on us from outside the industry" (*ibid.*, April 1975: 1). Even so, the news corporations continued to stall.

However, as press hysteria mounted, Whitlam clearly decided that there was nothing to lose and everything to gain by giving in to pressure within his party to move against the news corporations by strengthening the Department of the Media. Whitlam appointed a new minister to the department, Dr. Moss Cass, a leftist intellectual who was on record as supporting some form of press regulation.

The appointment of Cass was a decisive move. Once in office he immediately issued a departmental discussion paper that had been withheld by his predecessor. This paper recommended the creation of a press council and of a royal commission on the press as means of correcting the narrow political biases of the existing newspaper industry. The Department of the Media immediately began to draft proposals for a press council and requested the AJA to provide its own submission on the issue (*Age* [Melbourne], July 2, 1975: 3). While these moves led to immediate protests from the newspaper corporations, the real storm was to break a month later, when the department released its proposals for the press council together with a discussion paper that critically assessed what it regarded as the ineffectual model provided by the British press council. The paper went on to suggest that consideration be given to a series of related innovations (Rosenbloom, 1978: 98):

- a royal commission on the media
- a newspaper commission to run a national newspaper
- legislation to restrict ownership of electronic media outlets by newspaper corporations
- a system of newspaper licenses, akin to broadcast-

⁸ For an account of the extraordinary relations between the commercial media and the Whitlam government in the period July 1974 through November 1975, see Oakes (1976).

ing licenses, subject to revocation or suspension when the organ failed to produce "community satisfaction with performance"

- a government-funded university unit to research the media

The proposed press council, it must be stressed, was not in any way a radical proposition, being voluntary in nature and possessing no punitive sanctions. However, the media reaction to the total array of suggestions was violent. The *Sydney Morning Herald* (August 11, 1975: 8), for example, editorialized that the proposals were a means of gaining state control over newspapers, while the *Australian* ([Sydney], September 18, 1975: 5) saw them as coming "straight from the socialist planner's board" and threatened to fight the proposals "through every court in the land" (ibid., August 11, 1975: 1). Only the *Age* ([Melbourne], August 11, 1975: 5), which had been a strong supporter of the press council, attempted to differentiate the proposal for the establishment of an APC from the rest of the package. The following weeks saw still further polarization. Cass declared himself horrified at what he regarded as the deliberate distortion of a package of unendorsed points for discussion, and interpreted media reaction as an attempt to bury the press council proposal under "the amplified stampede of a few proprietors" (ibid., p. 5). The ANC in turn rejected an invitation to attend a proposed meeting with Cass in the strongest possible terms:

The ANC does not believe there is anything to be gained by such discussions being held at this time. The vast majority of proprietors believes that the current climate precludes the council from sending even an observer to the meeting. This is contrary to our normal policy of participating in conferences related to the newspaper industry wherever possible. I am sorry that the situation has developed in such a way that it is not possible for us to have a free exchange of views on the proposition raised by you (*Sun* [Melbourne], August 22, 1975: 3).

In this polarized situation the ultimately decisive developments came from the AJA. Arguing support for the press council under a banner headline of "Owners Distort Council," the AJA's own monthly newspaper basically accepted Cass's account of his intentions and proposals, and defined the proprietors' reactions as "deliberate distortion" (*Journalist* [Sydney], September 1975: 1). Even so, it was clear that the strategy adopted by the AJA retained the notion that a voluntary press council was a defensive measure to forestall direct state regulation of the professional field. Thus, after referring to its hostil-

ity to the concept of newspaper licensing, the AJA executive noted that “it is precisely because of this opposition that the AJA supports a Press Council, which would be the best protection against the possibility of such proposals” (*ibid.*). Almost immediately, two state branches (Victoria and South Australia) proposed that the AJA move to set up its own council, and on November 3 the federal council of the AJA produced an ultimatum:

Council reaffirms its belief in the need for a Press Council and makes a further approach to the ANC to seek the formation of a voluntary Press Council along the lines of the British Press Council. In the event of a negative reply from the proprietors, federal management committee will take immediate steps, after consultation with branches, to formulate the specific guidelines for the establishment of an AJA Press council. (*ibid.*, December 1975: 7).

Three days later, the ANC announced that it had decided to cooperate in forming a press council. Even so, ANC Chairman Ranald MacDonald was unable to secure the participation of one of the “big three” Australian publishing corporations—John Fairfax Ltd.⁹ The Fairfax corporation had always been a somewhat marginal member of the ANC, being generally suspicious of “domination” by other groups, notably the Herald and Weekly Times Ltd. (Wiltshire and Stokes, 1977: 70). It carried this view over into its assessment of the press council as a combine of hostile forces in the increasingly dangerous press industry, for in the words of the company’s chairman the council sets itself up with the moral authority of a quasi-judicial body, without any certainty that it has the qualifi-

⁹ It is important to note that the Australian newspaper press is an industry characterized by a high degree of capital and market concentration. Foreign ownership of the newspaper press is negligible, with four groups of Australian companies dominating both the printed and electronic commercial media. Bonney and Wilson (1983: 62) sum up the situation:

The “big four” are all large companies. At the end of February 1982, the Herald and Weekly Times was the 32nd largest Australian company, Consolidated Press 66th, News Corporation 68th, and Fairfax 96th. Between them, three of these companies own 100 per cent of the metropolitan daily press. Between them also, the “big four” own over 90 per cent of the Sunday press, over 50 per cent of the regional press, over 50 per cent of the suburban press, and over 90 per cent of the national magazine market. In addition, they own over 25 per cent of metropolitan radio stations and all six commercial television stations in the two largest markets, Sydney and Melbourne. . . . In addition, Fairfax and the Herald and Weekly Times own over 75 per cent of Australian Newsprint Mills Holdings Ltd, the major manufacturer of newsprint in Australia.

As will be pointed out, such concentration has considerable importance when considering the nature of the “dispersal” of control likely to be involved in this industry.

cations, the independence or the integrity for such. It inevitably represents competitors, journalists, unions and other interested parties, who may have many other objects in view than a fair and impartial decision (quoted in Beckwith, 1977: 9).

Despite the refusal of Fairfax to become involved, the ANC and the AJA commenced discussions late in November, 1975. Under the circumstances, the ANC was able to negotiate relatively successfully to ensure a position of overall, if not absolute, dominance in the council. The council was to have only thirteen members, including a chairman with a nonpress background. There were to be six representatives of the publishers, three of the AJA, and three of the public, the third group to be nominated by the chairman. It was to have no sanction other than the moral pressure to publish its findings. In the words of Henry Rosenbloom, the press secretary to Dr. Cass and principal author of the discussion paper of August 1975, the new council was "heavily weighted in favour of the industry" (Rosenbloom, 1978: 9, 21).

A. *State Regulation Reconsidered*

The strongest support for an interpretation of the APC as a form of delegated or disguised state regulation evidently derives from the role played by Labor governments at state and federal levels. The press council was formed, however, to *pre-empt* the formation of a statutory council in which the proprietors were not nearly as well represented. Its powers of regulation are minimal, lacking the disciplinary capacity of even a fully formed professional body. Its constitution is such that only under conditions of extreme polarization is the dominance of the proprietors' representatives likely to be negated. Membership is voluntary, and as the council is dependent on subsidization by member organizations, it is therefore constitutionally vulnerable to economic manipulation. In the event of polarization between publishers and all other representatives, the former have the option of withdrawing altogether, thus leaving the council virtually without funds.

Whatever the power of these points, however, none eliminates the applicability of a concept of delegated state regulation. Rather, they merely indicate that the eventual form of the APC was weak and dependent on the cooperation of the very corporations that are to be regulated. In many respects, this situation is no different from that which emerges out of analyses of many bodies directly or indirectly established to

regulate capital in the advanced capitalist democracies. As my review of this literature concluded:

Regulation of capitalist operations is often an empty gesture. What also emerges in these studies is that in so far as regulation of economic order does occur, it operates far more by securing the cooperation of capital rather than by coercion, implied or actual. Hence whatever else is true of state interventionism it does not involve domination over capital (O'Malley, 1983: 169).

However, this statement returns the analysis to the begged question that was pointed to in the introduction to this article: What is the state and how is it seen to delegate regulation to this body? The history of the formation of the APC makes it clear just how difficult it is to talk of the state at this level as if it were an unfragmented, continuous, and clearly defined entity. All that can be said with any accuracy is that Labor governments have shown spasmodic support for the APC, while those of the LCP coalition clearly regarded the matter as not within their ambit and showed no interest in it.

In some measure this distinction in approach between the two major political parties must be related to the general anti-Labor partisanship of Australian newspapers. As Mayer (1964: 16) noted, there is little written on Australia's press that does not agree with the proposition that the country's newspapers are generally anti-Labor. Mayer himself (*ibid.*, pp. 27, 125) traces this hostility back to the rise of the Australian Labor Party and the development of large-scale trade unionism in the 1880s. Moreover, whatever the objective state of the bias, it has been Labor leaders' abiding belief that, in the words of one federal leader of the party, "newspapers, because they are dominated by big vested interests, try to magnify our faults and minimise our value to the life of Australia, without regard to the truth" (Calwell, 1959: 8). Of course, such partisanship is far from unrelieved, albeit that occasions when proprietorial support has shifted to a Labor government have been rare (Edgar, 1979: 165). In the early 1960s the Fairfax press supported the Labor administration in a state election, and in 1972 and 1974 there was considerable press support for Whitlam's campaigns. The most that can safely be said in general, however, is that "the newspapers will sometimes turn to a safe-looking Labor government as an alternative to conservatives in disarray" (Connell, 1977: 191; see also McQueen, 1977).

This history of Labor-press hostility may have influenced the ALP's stance on the issue of press control. But given that between 1942 (when the concept was first floated) and 1976

there were only a dozen years of federal Labor government, it scarcely makes sense to magnify intermittent and fluctuating Labor support to the grand status of state delegation. This is especially so because during this period there were opportunities for such a body to be pressured into being by Labor administrations. In the period from 1961 through 1965, for example, the New South Wales state Labor government failed to act on policies endorsed by its party conference, and passed out of power with the proposal still on the books. It does not even appear to be the case that Labor party initiatives to establish a press council are generally related to its relations with the press. Although the 1975 events undoubtedly were strongly colored by Labor-press hostility, the federal conference initiative of 1974 and the state Labor initiatives in South Australia and Western Australia in the same year occurred at a time when the newspapers were generally in support of the federal Labor government.¹⁰ Examination of the role of government bureaucracies likewise does little to aid in the search for a state source of delegation. Prior to 1973, concern with the news media was fragmented among a variety of departments. Even the two-year career of the Department of the Media provides no evidence of moves deriving from this source to intervene in press control (Warne, 1982: 45–46). It was not until Dr. Cass replaced Senator Douglas McLelland in that portfolio that the department was set to work to draft reports and recommendations on this issue.

In the absence of any obvious organizational basis for state control and of any overt push for such control from state officials, and given the presence of the decisive role of the AJA, it seems implausible to invoke the notion of state-delegated regulation when describing the functions of the APC. It may make more sense to view the APC as a *preemptive* device to forestall either government or AJA regulation, and which in itself need not be considered to be regulatory at all.

B. *Regulating for Capital?*

The APC emerges from this analysis as an organization founded out of a contradictory situation by groups fraught with internal conflicts and dilemmas. It would be expecting rather

¹⁰ It may also be noted that even during the bitter period leading up to the 1975 election, press partiality was extreme only in the case of the Murdoch press. Edgar's study of newspaper content in this period (1979: 119–120) reveals that while in Murdoch's *Australian* (Sydney) 56% of political coverage was favorable to the conservative LCP, 44% was neutral, and 0% was favorable to the ALP, the coverage by the *Age* (Melbourne) was far more balanced (37%

much, therefore, to suppose that its history and operations could easily be reduced to a simple function of state regulatory imperatives. Indeed, any assessment of its regulatory function or of its role in preempting intervention must confront the widespread evaluation of the APC as “ineffectual,” “inadequate,” or “phoney” (Bonney and Wilson, 1983: 96; APC, 1980: 5; Edgar, 1979: 76). Even the APC itself has been forced to admit that it is “impossible” to demonstrate its effects (APC, 1980: 6), while its most vocal supporter has been led to comment that its low profile and lack of aggression have put its survival and credibility in doubt (MacDonald, 1978: 3).

Such evaluations are difficult to deny when the work of the council is considered.¹¹ Although a major regulatory role of the APC is to adjudicate complaints made against the press, on average 85 percent of such complaints are filtered out prior to adjudication. Only about fourteen complaints per year (7.5%) are upheld for the whole of Australia. In most cases, complaints are deflected either by referring them back to the editor of the newspaper concerned or by dismissing the complaint directly (e.g., by defining the item complained of as “fair comment,” by attributing the problem to third parties, or by reducing the source of complaint to an unavoidable error in newspaper production).¹² In this capacity as a complaints tribunal, the council appeared far less a regulatory body than a public relations office on behalf of the press. As the APC has itself (1983: 51) recently commented,

much of the work of the secretariat is involved with soothing troubled people, reassuring anxious ones, explaining to the puzzled, mediating among the disputatious, giving advice, and sorting out the trivial and ridiculous from among the complaints. Little of the

LCP, 35% neutral, 29% ALP). Other newspapers, the *Sun* (Melbourne) (22% LCP, 62% neutral, 16% ALP) and the *Sydney Morning Herald* (18% LCP, 7% neutral, 12% ALP) fell midway between these two poles.

¹¹ Only the barest characterization of the work of the APC may be presented in this paper. For a detailed analysis, see O'Malley (1985).

¹² This is in contrast to the argument put forward by Abel (1982a: 271–274) that such agencies “virtually never dismiss a case.” Nor is it the case that the APC exhibits what Abel sees as another practice of informal agencies, which he believes “strive to develop higher, more predictable caseloads both to justify their existence and to facilitate their internal operations” (ibid., p. 274). The APC is based in Sydney. All complainants who wish to present their case must travel to Sydney to do so (for most of the population this involves a journey of at least 500 miles but possibly as much as 2,500 miles), without financial assistance from the council. Council efforts to publicize its role are restricted to a handful of small newspaper advertisements each year. Its low public profile has been frequent cause for comment, even among its strongest supporters (MacDonald, 1978: 3).

work is seen by the Council or the editors, but, often public relations in effect though it is, it is essential.

This self-judgment by the council is heavily laden with unintentional irony, for examination of some of the characteristics of the mediation and public relations it has carried out reveals a strikingly partisan stance. It is common, for example, for the APC in its annual report to castigate complainants while praising newspaper management. For example, in the 1981 report it was stated that

the administration is most conscious of the courtesy and help given by editors and others in the industry. However, it would also greatly appreciate less virulent abuse from many complainants, most of whom assume that every mistake made by a publication is made always with the utmost malice (APC, 1981: 7–8).

This thinly veiled hostility toward complainants emerged still more clearly two years later, when the council mounted an attack on interest groups—“churches, local bodies, government agencies, Aboriginal legal or support groups, or indeed most complainants”—for persistently claiming as press “distortions” what the council regarded as “ordinary mistakes” (APC, 1983: 19). The following year “feminist, aboriginal groups, and a new category—ethnic groups” were further criticized by the APC for “trying to use the Council to inhibit legitimate comment or newsgathering” (APC, 1984: 13).¹³ Rather than merely mediating, it would appear that the APC was articulating the free press ideology in defense of the industry against those who exercised their legitimate (and formally encouraged) right to make complaints.¹⁴ Indeed, the council even more strikingly manifests this role as press advocate whenever critics comment upon its alleged weakness and partiality. In 1980, for example, one prominent critic of the council (Don Dunstan) suggested the formation of a press ombudsman or tribunal that could order newspapers to insert corrections concerning proven bias or

¹³ Consider, for example, a complaint concerning a cartoon in which an illiterate, unqualified, and penniless Irish woman was being interviewed by immigration officials who were concerned with the fact that she failed to qualify under Australia's stringent immigration conditions. The officials were ogling at the glamorous woman and commenting that she really did have the right qualifications after all. The complaint was that this cartoon displayed prejudice against the Irish (to say nothing of being sexist) by portraying them as ignorant peasants. The council decided that no complaint lay against the newspaper concerned because the cartoon was aimed at the immigration officials rather than at the Irish (APC, 1979: 31–32).

¹⁴ The APC's hostility to complainants is overt when the laws of defamation are taken to task. In reference to defamation writs issued against the press, the council stated that “more and more complainants are taking heart from the restrictive measures imposed on the press, and are trying their own censorship on the hard-won rights that the press possesses” (APC, 1983: 19).

unfairness. Such a proposal is scarcely radical, having close parallels in Scandinavian and European countries where such a system has long operated without any apparent withering away of press freedom (Connolly, 1981: 8–13; Mayer, 1964: 248–249). However, in its annual report for that year, the APC (1980: 6, 11) vigorously argued that such a system would “play into the hands of would-be dictators,” with the result that the

freedom of information and discussion of public affairs in the press would be subjected to a degree of censorship which freedom-loving Australians would find hard to tolerate. The truth was that the establishment of such a system as Mr. Dunstan advocated would be the first and a long step towards dictatorship.

As this paper suggests, and as Abel (1973) has pointed out, it is not enough simply to note platitudinously that such agencies are often ineffectual. Following the suggestions of Abel (1982a: 279–281) and Edelman (1964), we must consider the possibility that many dispersed agencies in fact represent those they ostensibly regulate. In other words, the APC represents press capital, not the state. As I have already argued, the formation of the council was a preemptive strike by the ANC to prevent the formation of an AJA-inspired or Labor government-created statutory body. I have also argued that the constitution of the APC gives the balance of power to the press industry as a whole and puts the representatives of newspaper capital in a very strong position. Furthermore, it is clear that the work of the council is basically public relations, dispute mediation, and counterregulation largely favorable to the press industry. Finally, such a view is supported by Beckwith’s (1977) study of complainants to the council, which found that while none thought that its sympathies were with the complainant, 56 percent thought they were with the press.

Nevertheless, this position is an oversimplification. While the council’s work largely reflects the interests of the press industry, it does not in any simple sense operate on behalf of newspaper capital. As I pointed out earlier, one of the shortcomings of the literature in this broad field is a failure to recognize the internal diversity of capital, especially as generated by competition between specific corporations. These relations internal to press capital are very important to the nature and development of the APC. The refusal of the Fairfax company to join the council, while related to a strong sense of its own professional integrity, was also related to its fears that the APC would unduly reflect the interests of its competitors (specifically the Herald and Weekly Times Ltd.). The “corporate poli-

tics" of the APC in fact mirrored those of the ANC, for this same fear had long kept the Fairfax corporation out of the ANC.

Indeed, the struggles between the news corporations impinged further on the APC in 1980, when Murdoch's News Ltd. withdrew its participation. This pullout occurred soon after News Ltd. had been involved in an attempted takeover of the Herald and Weekly Times, and appears to have resulted from the fact that at the previous APC meeting it had been decided that the council should join with the AJA in requesting the prime minister to form a royal commission to investigate the concentration of press ownership.¹⁵

The withdrawal of the Murdoch group was of considerable significance, for it meant that of the major newspaper publishers only the Herald and Weekly Times retained membership—together with David Syme & Company and some small newspaper groups. The APC now represented only the ANC minority wing of newspaper capital. The withdrawal also had a major fiscal impact, for the Murdoch group's contribution was close to 30 percent of the APC's annual funding. The council was thus forced to cut back most of its operations as well as many of its projected extensions (including a research capacity), so that, in the words of Connolly, "the council regressed to doing little more than hearing complaints against the press" (1981: 158).

When these points are considered, the APC appears in a rather different light from that that renders it merely an agent for capital. It has never achieved the unified support of even the three major press corporations, and between 1980 and 1984 it was able to secure the active participation of only one of these. Consequently, it makes as little historical sense to view the APC as a body delegated to perform a counterregulatory function by press capital as it does to regard it as part of a process of state regulation.

III. CONCLUSION

The structural analysis of radical theorists such as Abel, Santos, and Brady reflect an overly mechanistic and determinist theory of change that focuses on only one aspect of the link between social structure and dispute resolution processes. To develop a more convincing perspective without discarding the insights of the structural theorists requires us, first, to allow for the possibility of mutually interconnecting relationships

¹⁵ This uncharacteristic intervention by the Council seems to have been totally ignored by the LCP government.

between parts and wholes, in this case between local normative orders and capitalist legality, and second to consider the relationship between human agency and legal and normative orders (Henry, 1985: 308).

One of the key implications of Henry's important observation is that we must attend to the manner in which semiautonomous fields of practice have their own characteristics, including their own contradictions, that are not reducible to those of the broader structures within which they are located. Thus it should be expected that one fruitful approach that dispersion theorists may pursue is the examination of *variability* among patterns of regulation in late capitalism.

The image of the state "penetrating" civil society with novel regulatory forms in all probability restricts the conceptualization of the dynamic interrelations implied here. In particular this construction of regulatory development implies a monolithic state that has clearly defined boundaries, a view that has been shown to be problematic in general and problematic in particular, with respect to the agency examined in this paper. In many of the regulatory instances considered by Abel and his colleagues (for example, neighborhood justice and small claims courts), the relatively unproblematic notion of the spread or penetration of regulation may (at least pending more detailed examination) present only minor problems. This may also be the case with respect to the argument that many trade bureaus and consumer complaint offices simply represent agencies acting on behalf of capital to defuse consumer hostility. However, in the field of press regulation there are a number of important features that render this reduction of the regulatory agency to a feature of state or capital logic much more questionable. Principal among these features is the fact that the issue of press regulation is, and has long been, highly politicized, which means that sensitivity and opposition to such forms of intervention are well developed. More crucial still is the fact that the ideological positions in the field do not directly align with the parties involved in the struggle. In this field, the regulation/antiregulation couple are fused in an apparently indissoluble unit such that each of the major parties to the struggle, including those conceptually represented as "capital" and the "state," embodies both sides of the regulatory contradiction. This creates a characteristic tension or ambiguity that is inconsistent with the theoretical assumptions upon which the notion of regulation being dispersed *from* the state *into* civil society is based.

The AJA's ambivalence (which appears also in its unionist-professional ambivalence) reflects the fact that journalists ex-

perience news production both as producers of a commodity (unionism/regulation) and as practitioners of the ideology of freedom of the press (professionalism/counterregulation). The Labor parties confront the publication of news as both the product of capitalist corporations (and hence subject to regulation) and a form of struggle upon which Labor itself has been politically reliant (and thus immune to regulation). The news corporations embody the dualism in a more fragmentary fashion: Some espouse the need for regulation in the form of a commodity control to preserve the market; others stress that the market processes can be interfered with only at the cost of press freedom. In addition, these ambiguities were translated very early into nonstate regulation within the press field. The AJA had set up its own regulatory apparatus in 1942 to police standards of news reporting, and it maintained this regardless of the fate of the Press Council issue. The ANC's predecessor organization had—at least formally—participated in the corporatist body established just after the war.

Such observations may change our thinking about the strategy of state dispersion, at least under certain conditions. In the case of the APC it may be more precise to replace the model of the state spreading outward (with the attendant difficulties of locating either the state and its interests or a unified capital and its interests) with a model of the institutionalization of conflict management and control in which the question of state dispersion is left open. In other words, it is possible to recognize that under certain conditions social fields within civil society experience the institutionalization of regulation without being penetrated by the state or becoming invested as token agencies constructed by capital and acting at its behest. Instead the parties within this field may be regarded as *institutionalizing their own, relatively autonomous, and contradictory form of regulatory agency*.

As I have tried to show, the APC cannot in any simple fashion be attributed to the intervention of either state or capital. Rather, it is a contradictory organization integral to the social field in which it is established and manifesting the contradictions that invest this field. The contradictions inscribed in the organization of the APC in their turn generate a characteristic, but not necessarily uncommon, feature of its operations. It is, in Ignatieff's words (1983: 96), typical of an array of institutions "which fail their constituencies and which limp along because no alternative can be found or because conflict over alternatives is too great to be mediated into compromise."

This authentic failure to resolve the opposing moments of

regulation and counterregulation (not to be confused with the merely apparent failure of many of the agencies mentioned by Abel [1982a: 304–305]) occurs, I would argue, because this social field is the site of a particularly acute contradiction. The issue of control on this site created what Carson (1980) has referred to as the “institutionalization of ambiguity,” in which the elevation of the structural collision between the regulatory and antiregulatory practices has become so overt that it long ago became difficult to resolve by strategies such as those to which the dispersal model alludes.

It is possible to point to instances elsewhere that, at least on the surface, resemble the case of the APC. Press regulation in many other Western democracies appears to have developed in much the same form (Connolly, 1981). Likewise, the regulation of legal services in countries such as Australia, Britain, and the United States may be a candidate for inclusion in this category. What such fields appear to have in common is that they encapsulate the tension between the provision or production of a service as simultaneously both a commodity and a politicized right. Thus in the example of legal services, there is on the one hand the notion that the provision of legal advice is a commodity and that its production and distribution may be managed or regulated just like any other. On the other hand, there is the clearly developed case, centered on the ideology of the rule of law (which is closely analogous, in role, to that of the freedom of press), that posits a freedom that is destroyed by state intervention. This tension, like that in the case of the press, is so developed that neither covert, dispersed state regulation nor token regulation by the legal profession appears entirely viable (O'Malley, 1983: 95–120; Powell, 1985).

Of necessity, a paper such as this can reach only tentative conclusions. A single case study will not suffice to provide clear rejection or even firm support for a theory. However, the study of the APC does suggest that we need to approach the issue of regulation and control in contemporary capitalist states with a closer attention to the variability of forms of institutionalized social control and to the specification of the conditions under which various forms of institutionalized control are implemented. It must, of course, be recognized that the APC scarcely represents a working class constituency, that versions of statist or bourgeois regulation are probably predominant, and that the APC occupies a space that could reflect far more progressive forces. Nevertheless, institutionalized residues, from the struggles to establish the council render the APC more than an unproblematic instance of state or capital logics.

Its ambiguous nature would appear to reflect an authentic inability to generate anything that resolves the acute and public dilemma of press regulation. Moreover, its ability to survive unscathed until the present day (a decade after establishment), despite widespread contempt for its work, suggests that it is more than an unstable compromise that will soon evolve into one or other of the principal state or capitalist forms.

Given the apparent conformity of the APC to the model of a dispersed agency, this cautionary tale may indicate that we need to return to many of the cases incorporated in the model and consider how far their character and form reflect more autonomous forms of regulation. Control may be dispersing from the center in an aggregate sense, but this does not necessarily mean that in each instance it is *tied* to the center by concealed bonds nor that in each case regulation involves state initiative or capitalist capture. The tendency toward regulation already exists in civil society, and the appearance of institutionalized control in social fields may, in at least some instances, reflect contradictory forces indigenous to that field.

REFERENCES

- ABEL, R. (1982a) "The Contradictions of Informal Justice," in Abel, 1982b.
 ——— (ed.) (1982b) *The Politics of Informal Justice*, 2 Vols. New York: Academic Press.
- (1973) "A Comparative Theory of Dispute Institutions in Society," 8 *Law & Society Review* 217.
- AKERS, R. (1968) "The Professional Association and the Legal Regulation of Practice," 2 *Law & Society Review* 463.
- APC: THE AUSTRALIAN PRESS COUNCIL (1984, 1983, 1981, 1980, 1979) *Annual Report*, Nos. 8, 7, 5, 4, and 3. Sydney: The Australian Press Council.
- BECKWITH, J. (1977) "The Australian Press Council." Master's Thesis, Department of Sociology, Swinburne College of Technology, Melbourne.
- BONNEY, B., and H. WILSON (1983) *Australia's Commercial Media*. Sydney: Macmillan.
- CALWELL, A. A. (1959) *The Australian Labor Party and the Press*. Melbourne: Lansdowne Press.
- CARSON, W. G. (1980) "The Institutionalization of Ambiguity: Early British Factory Acts," in G. Geis and E. Stotland (eds.), *White Collar Crime: Theory and Research*. Beverly Hills: Sage.
- COHEN, S. (1979) "The Punitive City: Notes on the Dispersal of Social Control," 3 *Contemporary Crises* 339.
- CONNELL, R. (1977) *Ruling Class, Ruling Culture: Studies of Conflict, Power and Hegemony in Australian Life*. London: Cambridge University Press.
- CONNOLLY, M. (1981) "Press Councils—A Comparative Study." Unpublished. Royal Melbourne Institute of Technology, Melbourne.
- DE SOUSA SANTOS, B. (1982) "Law and Community: The Changing Nature of State Power in Late Capitalism," in Abel, 1982b.
- EDELMAN, M. (1964) *The Symbolic Uses of Politics*. New York: Praeger.
- EDGAR, P. (1979) *Politics of the Press*. Melbourne: Sun Press.

- FITZPATRICK, P. (1983) "Marxism and Legal Pluralism," 1 *Australian Journal of Law and Society* 45.
- FRANKEL, B. (1983) *Beyond the State? Dominant Theories and Socialist Strategies*. London: Macmillan.
- HENRY, S. (1985) "Community Justice, Capitalist Society, and Human Agency: The Dialectics of Collective Law in the Cooperative," 19 *Law & Society Review* 303.
- IGNATIEFF, M. (1983) "State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment," in S. Cohen and A. Scull (eds.), *Social Control and the State*. Oxford: Martin Robertson.
- MACDONALD, R. (1978) "Parliament and Political Journalism," 9 *Media Information Australia* 1.
- MACQUEEN, H. (1977) *Australia's Media Monopolies*. Melbourne: Wide-scope.
- MATHIESEN, T. (1980) "The Future of Control Systems—The Case of Norway," 8 *International Journal of the Sociology of Law* 149.
- MAYER, H. (1964) *The Press in Australia*. Melbourne: Lansdowne Press.
- OAKES, L. (1976) *Crash through or Crash: The Unmaking of a Prime Minister*. Melbourne: Drummond.
- O'MALLEY, P. (1985) "Counter-Regulation, Contradiction and the Dispersal of Social Control." Presented at the Annual Meeting of the Law and Society Association, San Diego (June 6–9).
- (1983) *Law, Capitalism and Democracy: A Sociology of Australian Legal Order*. Sydney: Allen and Unwin.
- (1982) "The Invisible Censor: Civil Law and the State Delegation of Press Control, 1890–1952," 4 *Media, Culture and Society* 323.
- PERKIN, G. (1974) *Arthur Norman Smith Memorial Lecture*. Melbourne: Melbourne University Press.
- POULANTZAS, N. (1978) *State, Power, Socialism*. London: NLB.
- POWELL, M. (1985) "Developments in the Regulation of Lawyers: Competing Segments and Market, Client and Government Controls," 64 *Social Forces* 281.
- REGAN, S. (1980) *Rupert Murdoch. A Business Biography*. London: Angus and Robertson.
- ROSENBLOOM, H. (1978) *Politics and the Media*. Melbourne: Scribe Publications.
- SPARROW, G. (1960) *Crusade for Journalism*. Sydney: Australian Journalists Association.
- SPITZER, S. (1982) "The Dialectics of Formal and Informal Control," in Abel, 1982b.
- STEDMAN JONES, G. (1977) "Class Expression versus Social Control? A Critique of Recent Trends in the Social History of Leisure," 4 *History Workshop* 162.
- WARNE, S. (1982) "Media Policy and the Whitlam Government 1972–1975." Master's Thesis, Department of Sociology, La Trobe University, Melbourne.
- WILTSHIRE, K., and C. STOKES (1977) *Government Regulation and the Printed Media Industry*. Sydney: Committee for the Economic Development of Australia.
- WINKLER, J. (1977) "The Corporate Economy: Theory and Administration," in R. Scase (ed.), *Industrial Society: Class, Cleavage and Control*. London: Allen and Unwin.
- (1975) "Law, State and Economy: The Industry Act 1975 in Context," 2 *British Journal of Law and Society* 103.