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The deceased-accused and the victim as a commodity:

Jimmy Savile as a case study to examine the role of real-crime documentary in reproducing violence as entertainment

Abstract

Taking a real-crime documentary concerning Jimmy Savile in the UK as a case study, the chapter attempts to make sense of a rather complex social relationship between the media, the public, the victims and the deceased-accused. The discussion questions the social usefulness of aggressive media driven by market targets; it submits that the commercialisation of the victims by these crime documentaries encourage social righteousness and did little to support sex crime victims.

Keywords

Real crime documentary; deceased-accused; victim as a commodity; violence as entertainment; media

Introduction

On the 3rd October 2012 the documentary *Exposure: The Other Side of Jimmy Savile* **led to a cultural transformation of Savile's place within British entertainment, and over time a more wholesale change to the historical narrative concerning sexual predation in this key UK institution. This Independent Television (ITV) documentary, in which shaky and shy victims revealed the unsettling reality that the philanthropist, TV and radio presenter Jimmy Savile was, rather than a national treasure, a sexual predator, broke decades of silence. These alleged sex crimes took place in the 1960s and 1970s; most victims were girls and boys in their early teens. Several other documentaries on this subject were aired between 2012 and 2016, one of the last being** *Abused: The Untold Story* **by the British Broadcasting Company (BBC), broadcast on the 11 April 2016.[1] Savile was by no means the first UK celebrity to be subject to such revelations, but what**

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[1] The broadcasts have been as follows: Exposure: The Other Side of Jimmy Savile (ITV, 3 October 2012); Jimmy Savile –What the BBC Knew: A Panorama Special (BBC1, 22 October 2012); Exposure Update: The Jimmy Savile Investigation (ITV, 21 November 2012); Panorama – After Savile: No More Secrets? (BBC1, 4 November 2013); Panorama – Savile: The Power to Abuse (BBC1, 2 June 2014); Britain's Worst Crimes: Jimmy Savile (Channel 5, 18 November 2015); Abused: The Untold Story (BBC1, 11 April 2016); Louis Theroux: Savile (BBC2, 2 October 2016)

did make this case unique was the fact that the first documentary was aired almost a year after Savile's death.

This chapter is concerned with the role of the media in reproducing violence as entertainment. It aims to demonstrate that the documentaries revealing Savile's crimes were responsible for a problematic culturalization and construction of the victims as ideal. Certain victims of sex crimes – those whose behavior and attitudes are not perceived to be socially-desirable – have historically been denied recognition as genuine victims, and as such have been routinely treated as undeserving of public attention and protection. The ripple effect triggered by these documentaries in relation to the need for a better protection of victims of sex crimes is evident in the mobilization of several other public agencies; however, it is argued here, that this has created the misconception that the situation is about to change for the better. By capitalising on what will be referred to here as the real-crime-_victim_** documentary, the media has been a participant in the commodification of the victim; in other words, Savile's victims became objects of entertainment. This chapter does not aim to dispute or challenge these victims' stories; their participation in these documentaries is not judged. The focus of attention here is on the moral, social, cultural and legal detriments caused by partial, commercially driven, media attention.**

The chapter has four parts: 1. The real-crime documentary and Jimmy Savile; 2. The Ideal Victim; 3. Victim as commodity; 4. Implications: reproducing violence. Part 1 provides a context to the events; it explains who Jimmy Savile was and the place he had within British society. It then moves on to examine some of the characteristics of the real-crime documentary. Finally, it explains how the Savile documentaries are different from mainstream crime documentaries and the implications of that. Part 2 starts with a discussion of the changing role of victims in the criminal justice landscape; then, the chapter considers how this has affected the attention paid to sex crime victims. Part 3 examines extensively the role of the media as a conduit for culturalization, its commercial drive and its responsibility for the commodification of the victim. Finally, part 4 brings the discussion to an end with critical considerations on the moral, social and legal implications of what is considered here to be socially dangerous media attention.

The real-crime documentary and Jimmy Savile

Jimmy Savile died on 29 October 2011 at the age of 84. Up to this point and for perhaps a year thereafter, Savile was known and remembered as a national icon (Holden 1996). News tributes at the time remembered him as, for example, a ‘flamboyant disc jockey with a flair for good works’ (Sweeting 2011), an ‘eccentric adornment to British public life’ (The Telegraph 2011), and ‘[a] proper British eccentric’ (Bull 2011). He was a media personality: a DJ, television and radio presenter. However, he stood out. He certainly benefited from the cultural effects of pop music (Collie and Irwin 2013), being the presenter of the music chart show *Top of the Pops* **during its peak time (1960s-1980s).[2] A reviewer commented, for example, that ‘I don't know what it was like in the 60s and 70s but you can't argue with audience figures of 15-16 million, while [***Top of the Pops***] now gets 2 million if it's lucky’. Another mentioned that ‘I was born in 1967 so I can remember watching** *Top of the Pops* **from the early seventies to its peak which was the early 1980s. Beyond that I think it has gone downhill’ (***Top of the Pops*** IMDb 2003-2019). Savile’s eccentric style accompanied by his generous charity-work, made him not only a 70s and 80s VIP, but also an officer of the Order of the British Empire in 1972 and a knight in 1990.**

This idyllic picture was occasionally at risk of being spoiled. Several allegations of sexual misconduct and suggestions of child abuse were made throughout Savile’s career. Sporadic police investigations came to a halt through lack of evidence. At least twice during this period, Savile sued tabloid newspapers for defamation (Cascianti 2013). Journalist Lynn Barber confronted him in an interview in 1990: ‘What people say is that you like little girls.’ Savile replied that this impression was due to the fact that he was in the pop industry, and ‘when I go anywhere it's the young ones that come round me’ (Barber 2020). To Barber, this made sense: ‘this seems a perfectly credible explanation of why rumour links him to young girls’ (Barber 2020). In 1994, in an interview for *The Times*, **Julia Llewellyn Smith reflected on the fact that ‘countless rumours circulate about his sex life, but no tabloid paper has ever dredged up any evidence of any liaison and whatever the truth may be.’ She concluded that ‘Sir Jimmy's motivations may not then be saintly, but it seems ungracious to quibble. After all, a lot of people have a bit of fun and nobody, it seems, gets hurt’ (Llewellyn Smith 1994). In a documentary aired in 2000 by the BBC, Louis Theroux teased out**

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[2] The show was first aired in 1964 on the British Broadcasting Corporation (BBC) (Top of the Pops [TV Series 1964-2019) -IMDb https://www.imdb.com/title/tt0139803/. Accessed 28 April 2020.

paedophile allegations; to these, Savile replied that 'it's easier for me as a single man to say I don't like children because it puts a lot of salacious tabloid people off the hunt […] and it worked a dream' (Theroux 2000). Despite these earlier signs of a problem, it was only in 2012, a year following his death, that Savile was declared by the media as a predatory sex offender; they were allegations to which Savile could make no reply.

Before discussing the two documentaries concerning Jimmy Savile, it is helpful to briefly explain the real-crime documentary paradigm. Illustrating its recent 'explosion in number' (Bruzzi 2016, p.249), the British audience only needs to skim through the BBC, ITV, Channel 4 and Netflix, for example, to gain understanding of the magnitude of the real-crime documentary phenomenon. Usually, the documentary will follow an accused during their pre- and/or post-trial journey; hence, fostering a sense of empathy towards the subject. Bruzzi explains that such documentaries have gained 'cultural prominence and resonance' (2016, p.251); they have opened a channel for public debate on questions of social and legal justice (Fuhs 2014). Scholars have grappled with the idea of what they term real-life crime documentary's 'activist goals'. On the one hand, Fuhs, for example, argues that such documentaries tease out the 'structural imbalance of power between the state and its subjects' (2014, p.783). It allows for an alternative, and perhaps more 'just' (as suggested by the documentary itself) public trial; while at the same time, it facilitates another judgment – the one 'on the legitimacy of the actual trial', that is, the flaws in the law (Fuhs 2014, p.784). On the other hand, while it might appear that the documentary is critical of the criminal justice system (in whichever jurisdiction the story lies), it also reinforces the place and authority of the law and its cultural value as a social institution (Fuhs 2014; Silbey 2010). For example, the documentary's narrative might emphasise how the trial's adversarial principles allow for a cross examination that leads to the revealing of the police's malpractice; or alternatively, how the acceptance of new evidence and subsequent appeal is, after all, facilitated by the law. Furthermore, Silbey explains that originally, the documentary genre was used by the state to facilitate 'nation building, public education, and advocacy'; it has 'consistently been harnessed to the manufacture of social consent' (2005, p.153).

Overall, for Bruzzi (2016), real-crime documentaries have helped shape perceptions about the law, justice, legal narratives and evidence; yet, it is the question of 'truth' that is of great concern. Tracing the history of 'filmmaking realism', Silbey explains that

documentaries bring a constructed reality, and that 'the perception of film's capacity to wholly and truthfully reveal the world is and was always a myth' (2005, p.144). Although its aim might be to objectively depict real life, according to Silbey, this is still a 'form of artistic and politicized expression' (2005, p.144). In other words, as put by Renov, this is an 'artful rephrasing of the historical world' (1993, cited by Fuhs 2014, p.782). The one-sided narrative approach taken by the real-crime documentary is complex. It reflects only one version of an historical event (Silbey 2005; Silbey 2010); Nichols suggests that 'it introduces the moralizing perspectives or social belief of an author' (2001, cited in Silbey 2005, p.152). Also, the constructed truth depends on the 'viewers' interaction' with the narrative (Winston 1995, cited in Fuhs 2014, p.800). Silbey reminds us that the documentary's 'voices' have been specifically chosen, to persuade the audience of a particular point of view (Silbey 2005; Silbey 2010). Narrative, montage and their juxtaposition are used to shape and lead the viewers towards a desired conclusion (Silbey 2005; Fuhs 2014). To build integrity and credibility, the story-line is further strengthened with cinematic techniques such as re-enactment, archival footage, interviews and music. Bruzzi explains that returning to the site of crime is also a potent feature in helping to make the audience active spectators, investigators and adjudicators of the subject's case (Bruzzi 2016).[3]

The Savile documentaries, however, present other and different characteristics then the classic real-crime documentary. The two Savile crime documentaries discussed here were aired four years apart. The first documentary, *Exposed: The Other Side of Jimmy Savile,* **was aired by the British commercial channel Independent Television service (ITV) on 3 October 2012. The second documentary,** *Abused: The Untold Story*, **was broadcast by the BBC on 11 April 2016. Although the BBC documentary was more sophisticated in style and presentation, both documentaries were constructed around witnesses' and victims' narratives; in both there was a sense that the BBC, as an institution, was responsible for ignoring decades of Savile's sexual exploitation of teenage girls. A police investigation was carried out alongside an independent review of the historical sex abuse by the former High Court Judge Dame Janet Smith in 2016; this confirmed the allegations, at least as far as it was feasible by only drawing on victims' statements (Smith 2016). These documentaries have triggered a variety of academic**

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[3] Moore et al. (2019) make similar observations in relation to what they argue is a questionable transparency of video transmissions of (real) courts' proceedings.

debates. For example, recent research has grappled with the question of physically removing Jimmy Savile from the national memory by tampering with the BBC archives (Aust and Holdsworth 2017). Another study, on behalf of the Secretary of State for Health, went as far as attempting to draw 'lessons' from what was identified as poor security measures to prevent uncontrolled visits to patients under the care of the National Health Service (NHS) during Savile's time and thereafter (Lampard and Marsden 2015). In an article in *Celebrity Studies* **one scholar reflected on the possibility that the media culture generated by cases of historical sex abuse scandals[4] can facilitate a therapeutic catharsis for the public (Bainbridge 2020). Other academic work has drawn attention to what has been identified as the BBC's institutional denial of the sex abuse (e.g. Greer and McLaughlin 2012, 2013, 2015).**

However, the role of the media as adjudicator, its 'use' of the victims for filmmaking purposes and the fact that the alleged offender was dead before his crimes were verified by law – all these elements have received little or no attention; in turn, these form the focal point of this chapter. The Savile documentaries are an example of a sub-genre of real-crime documentaries where the alleged offences are exposed only after the culprit has died, and thus the narrative only focuses on the victims' stories. The documentaries about the legendary Michael Jackson in the United States and the Israeli national hero Rehavam Ze'evi[5] are other examples of such a sub-genre. Their alleged sexual deviance was exposed post-mortem via 'glossy' TV documentaries; and these programmes also told the stories of those identified by the documentaries' authors as victims (Channel 4, UK 2019; Channel 2 Keshet, Israel 2016). Scholars have argued that the criminal trial 'shapes conventional meanings and social behaviour' (Fuhs 2014, p.783); yet in the absence of the alleged offender and any subsequent legal trial, this sort of documentary acquires a questionable power in the shaping of cultural meanings. Significantly, unlike more mainstream examples of the real-crime documentary mentioned above, where the trial becomes a focal point, in this sub-genre — where victim stories become the focus — the public 'trial' cannot be matched by a legal trial. The accused-centered real-crime

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[4] The author refers also the case of Harvey Weinstein in the US.

[5] Rehavam Ze'evi (1926-2001), was a well-known public figure. Nicknamed 'gandhi', Ze'evi was a general in the Israel Defence Forces, a politician and cabinet minister. He was born in Jerusalem under what was then the British Palestine Mandate, and later joined the Palmach organisation which played a central role in the fight for Israeli independence. His extreme political approach to the Gaza question was cut short when in 2001 he was killed by members of the Popular Front for the Liberation of Palestine (Knesset.gov.il 2009). After his death and despite his controversial political views, Ze'evi became an Israeli historical hero, where his life was integrated into the school curriculum and roads were named after him.

documentary allows a level of flexibility in building up empathy – the closure brought about by the trial or by the sentence allows the audience to make up its mind as to whether it might agree or disagree with the legal decisions and penal outcomes. In the case of the victim-centered real-crime documentary, this is not possible; the narrative and montage are wholly geared towards validating one truth.

The Ideal Victim

The fact that the accusations against Savile were made after his death, hence eliminating the possibility for a legal trial, generates the need to reflect on the victims' place within this new context. First, it is helpful to briefly trace the changing role of victims, more generally, within the criminal landscape.[6] Walklate (2013) explains that up to the mid-nineteenth century it was the victim who triggered a criminal prosecution. In other words, the majority of the prosecutions were private rather than state driven. The victim's role included all those aspects which today are performed by, in a UK context, the Crown Prosecution Service, i.e. choosing the charge, identifying witnesses and even challenging the sentence.[7] Allowing the victims to own their harm and control its reparation meant that they could utilise a wider range of resolutions. For example, along with actions of retribution, retaliation and vigilantism (sometimes aided by the community itself), Kearon and Godfrey clarify that 'a vast number of 'crimes' disappeared with a handshake' (2007, p.22). From the mid-nineteenth century, however, a much more state-regulated police body took over as the key agency involved in investigating and preventing crime.[8] Finally, the Prosecution of Offences Act 1985 centralised and generalised the state's responsibility for and control over social (rather than individual) protection (Kearon and Godfrey 2007). Kirchengast takes this further, suggesting that the 'genealogy of the victim is therefore the gradual divestment of the ownership of rights and powers constitutive of the criminal conflict at law' (2006, p.6).

The centrality of the victim within the administration of justice shifted, although it never really disappeared from the criminal landscape. Over time the word 'victim'

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[6] The historiography of the development of the English criminal justice which also critically debates the victims' roles includes writing by John H. Langbein (1983) and Hay D. et al. (1975).

[7] See also detailed historical discussion in Kirchengast (2006).

[8] See also a critical historical discussion in Hay, D., and Snyder, F. (1989).

became a label used to justify criminal justice policy, whilst its use by the media made this an increasingly culturally laden term. Kearon and Godfrey explain that legal and social reforms from the second half of the nineteenth century started to 'evoke images of vulnerable and innocent' potential victims (2007, p.24). Fostered by this new discourse[9] the 1960s and 1970s brought renewed awareness of the need to be mindful of victims' needs.[10] Furthermore, Kirchengast (2006) argues that questions concerning human rights and access to justice have helped twenty-first century victims to reclaim their presence.[11] It appears however, that this presence does not come without critique nor costs.[12] Indeed, it remains questionable whether the crime victim can be considered an active participant in the administration of justice.[13] Rather, scholars have argued that the emphasis on victims' rights has enhanced the perception of victims' passivity, vulnerability and helplessness; in turn, this has further emphasised the distinction between types of victims, hence leading to differential protection through, for example, measures designed for 'vulnerable' victims.[14] Moreover, Gewirtz suggests that the intricate nature of the criminal trial process means that victims might be kept in the dark for much of the proceedings; thus, the 'victim loses control of how his or her story is presented' in the courtroom, leading to a second 'victimisation' (Gwirtz 1996, p.866).[15] Empirical research carried out by Orth (2002) confirms the negative effects criminal proceedings have on the victims of crime. These could range from severe psychological implications to mere negative 'justice appraisals of outcomes and procedure' (Orth 2002, p.322).

Savile's victims might not have been so-positioned by trial procedures, but in their media representation there was an evident attempt to frame them as 'ideal victims'.

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[9] See discussion on the problematics of this discourse in Kirchengast, (2006).

[10] Kearon and Godfrey (2007) mention several examples such as the Criminal Injuries Compensation; they also place this discussion within the context of academic research carried out during 1960s-1990s.

[11] Kirchengast (2006) gives examples such as: victim impact statement; measuring impact of harm; alternative ways of testifying; and measures of restorative justice.

[12] Fattah (1986) gives a thorough overview on issues concerning the 'victim movements' as experiences in the 1980s.

[13] Gewirtz argues that the 'victims' rights' movement indeed reflect 'the sense of many that the law had evolved too far in the direction of protecting the rights of defendants and had slighted the interests of victims' (1996, p.868).

[14] For example, Rock 1990, Godfrey, Cox and Farral 2007, Walklate 1992 and Fattah 1999, cited in Kearon and Godfrey (2007, p.29). Even newer interventions such as restorative justice, have been criticised for deceivingly promoting victims' interest where it predominantly focuses on the rehabilitation of the offender (Ashworth 2000, cited in Kearon and Godfrey, 2007, p.29).

[15] More on the mediated process of victims' narrative in Serisier 2018.

Scholars have attached the label of 'ideal victim' to those victims perceived, by the government and society, as deserving particular social empathy and recognition. Christie clearly defined ideal victims as the 'individuals who – when hit by crime – most readily are given the complete and legitimate status of being a victim' (1986, p.18). Identifying the social construct of the 'victim' helps to draw attention to the partiality of treatment and support. Take, for example, the typical cultural construction of the young antisocial drug user who is harassed and attacked in a city-center and the elderly lady attacked in her home. The former tends to be framed in media accounts as a less deserving victim, despite the likelihood that they have experienced a life-time of victimisation.

Christie (1986) identified several personal attributes which might make the victim 'ideal' in cultural terms; these could be vulnerability, weakness (in comparison to the offender), combined with a more general sense that the victim was not in the wrong (in contrast to this, we find all sorts of imputed deviance in media representations and court hearings, such as mention of what the female victim was wearing and doing prior to attack).[16] Indeed, generally, children, the elderly and women who appear to conform to the attributes of western stereotypical femininity, will be more easily constructed in the culture as deserving victims (Green 2011). However, a personal attribute approach cannot explain why perceptions have changed in relation to who and what is considered 'ideal'. Indeed, scholars have developed Christie's perspective, placing greater emphasis on its social construction.[17] To put it simply, the social construction of an individual as an ideal victim awards her a particular 'social status'; hence, it is this which legitimises her 'idealness'.

However, the 'idealness' of Savile's victims should not be taken as obvious. True, the social, or rather, media construction of Savile's victims as 'deserving' was subsequently and successfully endorsed by the Operation Yewtree report (Gray and Watt 2013) and Dame Janet Smith's Review (2016). Dame Janet Smith established that 'it is obvious that some of the young girls in the participating audience were at risk of moral danger' (2016, pp.46, 61). Also, it was confirmed that out of the 214 formally recorded sexually

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[16] See also a critique on that in Green (2011). See a helpful summary of critique in Newburn (2017).

[17] Quinney (1972) drew attention to the social construct of the victim already in the 1970s; also see discussion on the social construct of the victim providing wider literature in: Walklate (2012); Strobl (2004). A recent examination is available in Duggan (2018).

related offences with Savile named as perpetrator, 82% of the victims were females, many in their early teens at the time when the crimes occurred (2016, pp.46, 61). However, although this data might arouse in current contemporary society a sense of great concern, historically, victims of sexual abuse and rape have rarely received the 'status' of a deserving victim. The cultural tolerance and media appeal of sexually related offences has changed over time (Moore 2014). This is not to say that sexual offences against children and young people were not officially recognised as crimes in the 1960s, at the time of Savile's predation;[18] however, these were seldom reported, or if reported, dismissed and at best, cases were dealt with outside of the criminal justice system (Harris and Grace 1999).[19] Moreover, Weis and Borges (1973) explain that maintaining secrecy was important in order to avoid the victim's stigmatization. In the worst cases though, the victim might have been perceived as complicit or to be blamed for the consequences (Moore 2009).[20] In the case of Saville, a mixture of self-blame and awe towards the perpetrator might have been another reason for not reporting. For example, a victim who said to have been abused by Savile over a period of eighteen months while working as a nurse at Stoke Mandeville Hospital at the age of 17, asked her mother not to make a fuss, explaining that she 'was too embarrassed because he was Jimmy Savile. You don't want to get him into trouble. He was Jimmy Savile and I couldn't say a bad word against him' (BBC News, 26 Feb 2015).

Differences in cultural attitudes towards victims of sexual abuse in the 1960s and 1970s[21] do not justify unlawful behaviour. Rather, the point made here is that cultural attitudes contributed to a situation where Savile's victims were denied recognition. Dame Janet Smith's report is evidence that people were aware at the time of Savile's transgressions; although, only a few complaints were made officially, and none were dealt with. An anecdote, which was only brought to public attention following the unfolding of the case, well illustrates this blasé attitude. In 1976 fans of the *Top of the Pops* **witnessed a person in the audience, 18 years old at the time, leaping off her chair. Apparently, Savile grabbed her backside; when expressing her concern, she was told**

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[18] Sexual Offences Act 1956

[19] More on victims rape stories and accounts in, for example, Brownmiller 1976; a critical analysis concerning rape narrative is available in Serisier 2018.

[20] Moore (2009) also cites Benedict (1992) and Meyers (1997) to further illustrate that point.

[21] See research touching that period by Harris, J., and Grace, S. (1999), and Du Mont et al. (2003); Jordan's (2001) reference list provides research from the 1970s and 1980s.

‘don’t be stupid, this is just Jimmy Savile’ (YouTube 2012). Another example is given by Dame Janet Smith. In 1969 a young woman complained to her female and male managers about Savile grabbing her breasts with both hands; she said that she was told that it would have been more surprising if Savile had not tried to touch her. For Dame Janet Smith the reaction of the managers was inappropriate, but she recognised that it was ‘not surprising given the culture of the times’ (2016, p.3). However, comments made by the press, such as ‘how did Savile get away with it?’ and ‘how could this be allowed to happen?’ (Sillto 2016; Easton 2015) have boosted our current sense of social righteousness, helping us to shift responsibility for the events from the social to the institutional (the BBC and the government, including the NHS). For example, Barford and Westcott’s complaint that ‘in an age of criminal records checks and children's rights, it seems almost inconceivable that someone would be allowed such unfettered access’ (2012 n.p) - reflects an observation that locates blame squarely with organisations, rather than with the broader culture.

Victim as commodity

The media’s role as a conduit for culturalization should not be underestimated. Presdee (2000) suggests that in our neoliberal culture the way we perceive our moral-social environment has much to do with the way the media contextualises and assimilates popular knowledge into culture. The culturalization of the victim is significant, because it is this process, according to Presdee which ‘define[s] and shape[s] dominant forms of social life’ (2000, p.17). In other words, the media helps to enhance what Greer (2000) calls a hierarchy of victimization; hence, aided by the media’s visual tricks, some victims will be literally described and judged as more deserving than others. This dynamic is facilitated by the media’s understanding of the processes of commodification and the marketplace of communications (Presdee 2000). Hence, the ideal victim is transformed into what Green (2011) defines as a type of currency; the greater the perceived level of vulnerability and harm suffered, the greater the exchange value. To explain how this currency is formed and the role of the media in transforming the victim into a commodity, two components are taken into consideration: demand and supply.

When looking at the process of the commodification of the ideal victim, Green (2011) refers to the demand for security as a key factor. As to what drives this, research has

identified a variety of emotions. Initially, the demand for protection was attributed to public fear of crime. Later research identified anger as a trigger (Newburn 2017). Significantly, whatever the emotion might be, the demand for security depends on assumptions and worries about crime and perceptions concerning one's own vulnerability and potential to become a victim — albeit, this might have nothing to do with a personal experience of victimisation (Green 2011). Indeed, as explained by Beck (1992), it is the sense of living in a risk society that is instrumental here, where individuals still perceive themselves as being under threat, even as they may never have experienced victimisation. Current national and international threats, financial crises, unknown and inexplicable maladies and the doubtful ability of the government and criminal justice to restore safety, create a sense that we are all in this together. In other words, actual personal harm suffered by a victim is transmuted into a diffuse sense of collective risk. This in turn, as put by Quinney (1972), justifies a legal intervention where the harm has been recognised in the 'public interest'. Hence, the 'ideal victim' has become an abstract legal entity (Best 1997) emblematic of society's demand for safety. In turn, the socially constructed 'ideal victim' — the one which was officially recognised as 'deserving' – tends to be commodified as the media recognises the social demand for narratives about victimhood, risk, and safety. However, Beck also drew attention to the fallacy of this sense of risk: 'we do not know what it is we don't know – but from this dangers arise, which threaten mankind' (2006, p.329). And it is this nebulous sense of risk that lends additional power to the media drive to commodify the 'ideal victim', spurred by the constant reminder, that although the danger exists far from us, we might become the next victims.

In this context, the 'selling' of protection is important;[22] indeed, it is the role of the media to provide an immediate, visual and real-time sensual experience which is instrumental to the culturalization of the victim. Walklate explains that media coverage given to events of a 'risky' nature 'is intended to move us: to encourage us to place ourselves next to the victim, for after all, are they not just like us?' (2012, p.176). Moreover, thanks to the tools available on the internet, the media's powers lie in its ability to create timeless and space-less platforms; hence, the internet user will be repeatedly exposed to the sensual experience, making it immediate and real-time again and again, irrespective of when it was initially reported or where it happened. In turn,

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[22] For example, see discussion on that in Krahmann (2011).

the media not only channels these spaces, but it also expressively sets the terms of and conditions for social conformity; as put by Moore, it instructs 'us on how to morally judge a case and […] where blame lies' (2014, p.10). For Furedi (2013), the media helps make sense of moral issues without the constraints of legal and political scrutiny (Djerf-Pierre et al. 2013). The dynamic can be illustrated through readers' comments to an online news article about Savile's crimes. For example, a heavily emotive headline in the *Mail Online,* **'Savile pictured at the Jersey House of Horrors: Paedophile DJ is surrounded by children at care home where 192 suffered abuse' (Allen 2012), attracted 109 readers' comments. These comments were in turn rated by subsequent readers; the number of ratings indicate that the first twenty 'best rated' comments attracted 7345 readers. The highest rated 'best' comment expressed the following: 'All Savile pictures repulse me, goodness only knows how his victims have felt all these years […]'; only 22 out of 759 readers rated this comment 'down' (i.e. expressing disapproval). Out of the 109 comments made directly to the article, only 13 were subject to a high level of disagreement, attracting about 4092 subsequent readers; at the top of the score (with 798 readers) as the 'worst' comment was the following: 'Has anything been PROVED??? No…'.**

It is difficult to suggest that the contributors to this public debate (who some might see as guardians of social conformity) are engaged in genuine deliberation. Rather, just as trial and punishment have served as a form of entertainment through the ages – what is on display here is a form of armchair outrage. Gewirtz goes as far as arguing that 'the trial can have the organized combat of spectator sports, the emotional tumult of a soap opera, and the heightened suspense of a thriller' (1996, p.886). Moreover, Presdee defines this more generally as the 'commodification of social life', where social relations 'become both a fetish and a commodity' (2000, p.26). The real-crime documentary is particularly significant in this context; it can be seen as a commodity which responds to the demand for entertainment on the one hand, while on the other hand, it taps into public consciousness as a commodity with a social purpose (that is, revealing injustice) (Schofield 2004). Inevitably, the demand for such entertainment is dependent on the media's representation of what it chooses to emphasise as 'real' and 'outrageous'. This will depend on the newsworthiness of the story (Greer 2007; Moore 2014). The debate concerning when the first Savile documentary was chosen to be aired well illustrates the changing value attributed to the story. Although the documentary was aired in October

2012, it was meant to be broadcast at Christmas 2011. Instead, given Savile's death in October 2011 the documentary was shelved in favor of two tribute shows. For Greer and McLaughlin (2013), this power to choose what is newsworthy and thus control public interaction with this information, reflects principles of market competition. That is, good news sells, but sensational news sells more. This is where the 'supply' for this demand comes into play.

In supplying entertainment, the media seek to bolster demand, and one way of doing this is to escalate a crime-problem so that it is recast as a scandal. According to Presdee (2000), scandal is mainly fed by 'emotionality'; hence, the more sensational the story is, the higher the rating. Greer and McLaughlin explain that scandalising news increases 'profit through a surge in scandalised consumers' (2013, p.244). For the scandal to 'succeed' in that, it needs to 'elicit a deep cultural unease' (Jewkes 2015, p.56). Indeed, sex-related scandals involving women and/or children have been identified as highly entertaining (Greer 2007; Moore 2014; Jewkes 2015), especially if matched with 'an institutional culture of impunity', and recently, also the 'celebrity' aspect (Greer and McLaughlin 2013, p.256). Jewkes (2015) suggests that the representation of the scandal must trigger in the viewer the perception of 'otherness', thus establishing their own 'social conformity' and in turn, acceptance of the narrative presented by the media. In the case of Savile, the media found a fertile ground for triggering the scandal. First, although up until then a national hero, Savile could not counterargue the allegations brought after his death – hence, the public was presented with one predominant narrative. Also, the coincidence of having several other celebrity sex-offence allegations emerging around the same time meant that the construction of a crime-problem and hence a scandal could not have been easier. However, rather than it having a social purpose, scholars have considered that these media revelations are part of a 'feeding frenzy' aiming to guarantee the media's economic survival (Greer and McLaughlin 2012). This considered, it is difficult to see how this seemingly democratic media-driven public sphere can, as suggested by Norris, truly facilitate the 'development of an informed public opinion as an independent check on the power of the state' (2010, p.6).

Implications: reproducing violence

It might feel unjust criticising the media when it is serving — as in the Savile case — to reveal injustice. In a way, the Savile documentaries might be seen to have empowered victims; indeed, the report published following the Operation Yewtree investigation into the allegations was titled 'Giving Victims a Voice'. Scholars have also considered the notion of that the media facilitates a space for a sort of social therapy (Banbridge 2020). A headline article in the *Telegraph* suggested this too: 'How the Jimmy Savile scandal helped victims to speak out' (O'Donovan 2016). The article implicitly praised the media's civic dutifulness in bringing to light the victims' testimonies:

> **What was never in doubt was the importance of these victim's stories being heard. Not only by those whose silence conspired – however unintentionally – to hide Savile's crimes for decades. But by all of us, and especially anyone who might still have had any lingering doubts as to the devastating and long-lasting effects of sexual abuse'.**

However, we must be mindful of the difference between reporting facts as they are, as opposed to constructing them, or worse – appropriating and commodifying them for gain. It is not clear who has, if at all, assigned to the media the role of 'guardians of social conformity', as mentioned earlier. However, there is no doubt that joining the victim industry, as Best calls it (1997), has been profitable. The real-crime-*victim* documentary has emerged in a cultural context where victimisation has become increasingly salient and marketable. Significantly, the public learns about the latest social anxiety from the media. 'Anxiety' is on-point here, because although the reporting of news is meant to convey 'a knowledge', this is constructed with what Osborn argues is an 'immediate and sensationalized impact […] with little depth of analysis or contextualisation' (2002, cited in Jewkes 2015, p.32). Indeed, the presenter of the BBC's Savile documentary aired in 2016 opens by saying that 'for decades there was a secret at the heart of British life' (2016). This crime-problem was declared from the start to be a national scandal, and, in turn, the victims' personal stories merely fed into the media narrative of public shame and scandal. Thus, personal lives have become the nation's business, constructing and positioning them 'at the heart of the market economy' (Taylor 1999, cited in Green 2011, p.106).

The victims in the Savile documentaries were, very simply, recruited as film Extras (i.e. background actors) where the main actor was Jimmy Savile. The story presented by the documentaries was one-sided, and the victims were represented one-dimensionally. The possible nuances and complexities that each different victim's experience might have had, was lost. In other words, the documentaries marginalized the complex experience of multi-layered sexual victimization; some of the victims revealed, by-the-way, that they were subject to repeated victimization by multiple perpetrators since a young age. Instead, the victims' representation in the documentaries was aimed at producing a portrait of individual, pathological predator and institutional failure – the victims, merely needed to validate this story by confirming that they are 'deserving' victims. For example, the first scene in the BBC 2016 documentary shows one of the female victims and her husband sitting on a sofa; the shot is framed by a darkened living room with a spotlight on the couple. The husband speaks first: 'There wasn't secret, it was shame'. This is followed by what could be interpreted as a puzzled look by his wife. To this reaction, the husband responds: 'Wasn't it? You were ashamed of it' (Lambet 2016, 00:21). The visual staging of the participants' narrative in these glossy documentaries is fundamental; it helps build up the social scandal. Crucially, the victim mentioned above is *told* **that she was ashamed. This assertion of shame – as something that a victim must feel – contributes to the standardizing of emotional response, whilst also setting this narrative as one of 'ideal' victimhood. The documentaries leave little room for compassion for the victims, as their main aim is to create the opposite in relation to Savile – despite the victims' stories providing the narrative basis for the documentaries, the underlying aim is to produce a particular emotional reaction to the perpetrator. For example, the ITV 2012 documentary's presenter opens up by stating that Jimmy Savile was friend of the rich and famous (although no mention is made of the huge mob of fans he had). The presenter continues by stating that 'tonight** *Exposure* **investigates allegations that away from the cameras Sir Jimmy Savile was far from a genial eccentric […]' (Gardiner 2012, 00:32).**

To get the scandal going, the Savile's documentaries had to shake public perception; yet, to entice belief and trust in the story, they also needed to reassure Savile's fans that even the victims were not aware that they were tricked by him. Indeed, the documentaries stress that the whole nation was tricked. For example, by introducing himself as a former police officer and a child protection specialist (Gardiner 2012,

03:19) rather than an investigative journalist for ITV (his current profession), the presenter of the 2012 ITV documentary established not only the reliability of the story told, but also, that the story is told by an expert — someone who really knows, and is able to see through Savile's subterfuge. In an House of Commons debate about child protection, a Member of Parliament suggested that the 2012 ITV documentary was 'game-changing', leading to an 'extraordinary turn of events' and that he (the Member of Parliament) 'pay[s] tribute for what…[the ITV documentary presenter] has set in motion as a result' (HC Deb 12 Sep 2013). On closer inspection, what the documentary achieves is a decidedly unnuanced characterisation of victimisation, with the audience continually being given cues as to how to feel and react, cues that stem not from the victims' experience of events, but from an externally-derived interpretive frame. An adult tongue-kissing a 14 year old girl in public, for example, is offered up as simply unacceptable, but the use of the word 'shock' by the now-adult victim, when asked about this past event, instructs us on how we are expected to feel rather then what she felt when this happened (Gardiner 2012, 28:39). Several of the witnesses, in both documentaries, use phrases such as: 'looking back now as an adult I realise he was grooming me […]' (Gardiner 2012, 28:53). These are then matched by visual reconstructions of the evidence and dramatic music, helping to sensationalise the narrative — not 'as they happened', according to victims' testimony, but rather as they are now interpreted, through twenty-first century ideas about (amongst other things) grooming.

The high production values of the 2016 BBC documentary with its sophisticated shots, sharp and high resolution images and arrangements of light and color, further enhance the level of emotional intimacy – as if we were sitting in witnesses' living room, perhaps holding their hands. In a recent interview with the British broadcaster and presenter Sue Perkins (Brown 2020), she revealed how the producers of the television programme *The Great British Bake Off* encouraged the contestants to express greater levels of emotional distress by 'pointing cameras in the bakers' faces and making them cry and saying, "Tell us about your dead gran"' — all for the sake of high audience ratings. It is impossible to comment on the filming technique used in the Savile documentaries; nevertheless, the simple format of an interview broadcast in 2012 as opposed to the sophisticated glossy documentary shot in 2016, might suggest that the interviewee was asked to improve her dramatic screen-performance. Indeed, the woman identified as

victim in the 2016 BBC documentary explained that she regretted that she came across as 'detached' from her testimony in the previous interview with ITV news in 2012 (Lambet 2016, 14:49). Indeed, the original footage is of a simple interview – a person talking to another person by way of following a question and answer format – the interviewee does not wear makeup, the image resolution is relatively low, the room is poorly lit, the wall behind the interviewee is decorated with a patterned purple wall-paper while the wall behind the interviewer is fluorescent pink — to a great extent unexciting, unengaging, hence with little emotional impact. The title of the interview does not do much to entice empathy either, using the words 'alleged victim' and 'alleged attack' (ITV news, 2012). In fact, the 2016 BBC documentary confirms that the allegation made was not taken positively by the public (Lambet 2016, 21:32). However, in the revised and glossy version of the 2016 BBC documentary — aided by the sensationalizing effects of contrasting lights, closeup shot, background music and background color and setting – the same victim's story is framed in such a way as to boost credibility, not least of all because we're shown footage of her crying. In this 'improved' version, the victim says that she is reluctant to tell the story 'as a matter of fact […] because it is messy' (Lambet 2016, 15:23). Yet, her story *is* told as a matter of fact (it is given less than 7 minutes in the documentary) – she was just another story to be added to the pool of events for the construction of the scandal. Victims' subjective experience are rendered irrelevant – for Green, this is in keeping with a broader tendency in the media to make victim testimony into a product, 'an objective unit to be bought and sold' (2011, p.106). In fact, in this instance the media's triumph could not have been greater: the ITV documentary won three Royal Television Society journalism awards in 2013. It also won the 'scoop of the year' and it was named as the 'best home current affairs programme' (O'Carroll 2013).

It effect, it must not be forgotten that the media reconstruction of reality is aimed at sensationalizing events. It has been already clarified that the 'real' crime documentary is, after all, a form of artistic expression – a one-sided narrative, revealing only one version of the events, and presenting this as the authoritative 'truth' of the matter. Peter Spindler's confession — Metropolitan Police Commander and head of the specialist investigation on the Savile case in 2012 – illustrates that. He revealed a few years after the investigation took place, that the comment he made in an interview to the BBC that 'at this stage […] it is quite clear that Savile was a predatory sex offender'

(BBC 9 Oct 2012; Lambet 2016, 39:41) was a ‘risk’ (Lambet 2016, 39:22). According to him, the police did not have substantial evidence to corroborate this claim; Spindler explained that ‘we could not have done what we did with a live suspect; we would have kept very quiet’ (Lambet 2016, 39:04). Further illustrating the point that the documentaries’ investigation was one-sided is the concern that other possible witnesses’ testimonies might have been ignored. For example, recent research by Smith and Burnett (2018) funded by the Economic and Social Research Council (ESRC) has revealed some new, challenging evidence. The study brings evidence of Anna Raccoon (pseudonym), a former resident of Duncroft; she refutes the claim made by another former resident who said that Savile assaulted her in 1965 when she was 15 years of age. Anna said that she shared a dormitory with her during this period but she never saw Savile at Duncroft at that time. Rather, another former resident interviewed for the study suggests that she was the one who introduced Savile to Duncroft, and this only happened in 1974 – this was confirmed by Surrey Police’s Operation Outreach (Surrey Police 2015). Corroborated evidence by other former residents and former school staff suggest that the censorious culture at Duncroft promoted by the headmistress and her deputy during the 1960s and 1970s meant that it was unlikely that anyone would have had unsupervised access to the residents’ dormitories (Smith and Burnett 2018).

Even if we choose to ignore the question of evidence, it still remains that these documentaries took the place of a legal process. The media’s tendency to encourage a mob of public opinion, as referred to by Gewirtz (1996), is not a new occurrence. For Foucault (1977) for example, the public attending executions in England during the late seventeenth and eighteenth centuries fulfilled a necessary rite for the verification of the offender and its elimination. The need to create a ‘spectacle’ (Debord 1970, cited in Greer and McLaughlin 2010, p.27) was as fundamental then as it is now to confirm and evidence the notion that justice has been achieved (Moore et al. 2019). The difference, however, is that the real-crime-*victim* documentary demonstrates the idea that, in the court of public opinion, people are guilty until proven innocent (Greer and McLaughlin 2010). By having an accused who is deceased means that innocence can hardly be proven; the illusion created by the documentaries that they are reclaiming justice by returning it to the people, further emphasises the frivolous attitude of the media to the pronouncement of Savile’s guilt (Smith and Burnett 2018). Perhaps some might consider that the implications of making allegations are redundant, if the accused is

deceased;[23] and yet, although not affecting the dead, this still might have repercussions for the living. Indeed, research by Hoyle et al. (2016) evidences how these historical events have brought about not only an increase in the reporting of sex crime, but also an increased number of false allegations.

However, beyond concerns for legal formalities, victims' speaking out (Serisier 2018) in the context of the documentaries' representation is far more problematic. The victims are represented, especially in the 2016 BBC documentary, as if the documentary gave them the opportunity to finally speak up: 'it was like releasing the pressure on a slow cooker, it felt good, because now everything is out there' (Victim 1. Lambet 2016, 01:37); 'I need to share now, and I need to talk now' (Victim 2. Lambet 2016, 07:18); 'back then, it never occurred to me to say anything – who would believe me?' (Victim 3. Lambet 2016, 07:25). The witnesses speak to the camera, hence directly to the public, in their living rooms. What the viewers get is the sense that it is now safe to talk about sexual abuse; what perhaps we forget, is that this public exposure is not instrumental to the victims' wellbeing, protection or safeguard. As pointed out by Boyle (2018), a victim's identity is usually protected from the media and thus from the public. The openness with which the victims speak in the documentary makes us forget that this is not a reality show; it makes us forget to ask whether those who spoke of a burden to speak out received adequate expert support (Boyle 2018). For example, it was discussed previously that the victims escaped the secondary victimisation typical of the trial process. However, Boyle (2018) suggests that those participating in the documentaries were still subject to it, although this time at the hands of the media. For one thing, and as indicated above, victims' narratives were appropriated by the documentary creators and used for an aim other than telling these victims' stories. Beyond this, there are clear examples of secondary victimisation. The case of Karen Ward is a stark example of this. The first person identified by the BBC documentary's producer as a victim, Ward's story was derived from her private autobiography, originally published and found on the World Wide Web. It only included a small paragraph concerning her encounter in her teenage years with a certain 'JS' (Ward 2016). Karen Ward (2016) reveals in her post-documentary book that initially, once the journalists got hold of her phone

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[23] However, Scarre (2012) brings several counter arguments to that, looking more generally on what does it say about us, as a society, when we posthumously negatively talk about the dead.

numbers, she had to switch her landline and mobile off 'just to endeavour to maintain a modicum of peace'; she adds that 'the upshot of this was that I could then add trapped, beleaguered and hopeless to my descriptors of how I was doing; being hounded by the media is not at all conducive to recovery' (2016, chapter 13).

Moreover, accrediting the documentaries with recognising victims of sex-crimes as deserving-ideal victims, should be taken with caution. True, the documentaries provoked public and governmental awareness for the need of better protection. In a House of Commons debate, a member of parliament suggested that child protection and child abuse 'have probably never had a high profile, and have never triggered such a response and awareness among the public at large, which is probably the one compensation of the whole sordid Jimmy Savile affair' (HC Deb 12 Sep 2013). However, the notion that each victim counts, is an illusion. What the Savile documentaries — and other real-crime victim documentaries beside — demonstrate is that women victims only matter in multiples (Boyle 2018a; Boyle 2018b). Indeed, the case of Savile illustrates that individual sexual violence allegations tend to be overlooked. Several of the victims suffered sexual abuse throughout their childhood, but it was only when multiple allegations emerged against one and same person that their cases gained attention, both in terms of media coverage and a criminal justice response. In this respect, the documentaries have changed very little, despite the idea that they were 'game-changing'. Serisier argues that 'breaking the silence, despite its significant cultural impact, has not ended sexual violence, nor does it seem to have significantly reduce it' (2018, p. 12). In fact, a recent report identified that rape and sexual assault 'victim-survivors continue to face challenges at each stage of the criminal justice process' (Brooks-Hay et al. 2019). The London Victims Commissioner, Clair Waxman, reports similar findings. She presents the experience of a victim of non-recent abuse, as follows:

> **[Chris] first reported in 1979 and 1988, but her case was marked as No Further Action on both occasions. Chris reported again in April 2016 and waited 14 months for her case to be sent to CPS. The CPS then requested social media records two years after the crime was reported (May 2018) and Chris finally received a No Further Action letter from the CPS via the Police in November 2018, with no explanation around the decision (Waxman 2019, n.p).**

Conclusion

The media appears to have taken the role of guardian of social conformity. However, the suggestion that it promotes transparency, democratisation of access to information and serves as a whistleblower, righting injustices, should be considered carefully. It is true that, in the case of Jimmy Savile, the media played a major role in unveiling a troubling reality. It also raised awareness about prevention, apprehension and protection – in turn, this mobilised the public and the criminal justice system. However, we cannot ignore the fact that the mass media today is at the heart of the capitalist marketplace. We must be critical of how the Savile documentaries have represented the victims and used their testimonies for filmmaking purposes – they became the site for a de-facto trial. It is a 'trial' that would have not been possible if the accused was alive: his crime would have been first verified in a court of law. The documentaries gave the impression that their purpose was to show that justice is being done after all – by drawing upon multiple victims' stories, and enlarging each story so as to focus on the Savile experience, the documentaries promoted the idea that the problem is institutional rather than social. Indeed, by deflecting responsibility, the public could see itself as a victim of the system too, rather than part of the problem; hence, the documentaries and ensuing media coverage skillfully guided the public's sensitivities by tapping into our fears and sustaining the demand for real crime entertainment.

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