

Commercialising disadvantage: the neoliberal discourses of commercial bail bond websites

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Abstract. *The commercial bail bond industry is one of the most profitable aspects of America's highly marketized criminal justice system that is increasingly shaped by neoliberal structures and ideologies. Drawing on a specialised corpus of "Home" and "About Us" pages from bail bond websites, this paper is the first empirical linguistic examination of commercial bail bonds discourse grounded in its legal context. Using corpus-assisted critical discourse analysis, we examine how bail bond companies 1) discursively present and promote their services, 2) represent the legal system and its processes, and 3) construe arrest and detention to prospective service users. The findings show that bail bond companies position their services as an unobjectionably common (Brookes and Harvey 2017a) part of legal and financial self-management by normalising, legitimising, and idealising their use whilst seeking to minimise the power-imbalance between themselves and their often financially and socially disempowered 'clients'. By grounding our linguistic analysis in a legal context, we demonstrate that these discourses simultaneously serve whilst oppress those they purport to help, offering an example of a local form of structural violence that subtly perpetuates neoliberal agendas and a two-tier justice system.*

Keywords: *Bail bonds, Legal studies, Critical discourse analysis, Corpus linguistics, Neoliberalism, Service users.*

Resumo. *O setor das fianças é um dos aspetos mais lucrativos do sistema de justiça criminal altamente mercantilizado dos Estados Unidos, que é cada vez mais moldado por estruturas e ideologias neoliberais. Este artigo baseia-se num corpus especializado de páginas "Início" e "Sobre Nós" de websites de fianças comerciais para proporcionar uma primeira análise do discurso de base linguística empírica aplicada a fianças comerciais, assente no seu contexto legal. Recorrendo a uma análise crítica do discurso baseada em corpus, analisamos de que forma as empresas de fianças 1) apresentam e promovem discursivamente os seus serviços, 2) representam o sistema jurídico e os seus processos e 3) formulam a prisão e a detenção*

para potenciais utilizadores do serviço. Os resultados mostram que as empresas de fianças posicionam os seus serviços como uma parte da autogestão jurídica e financeira inquestionavelmente comum (Brookes and Harvey 2017a), normalizando, legitimando e idealizando a sua utilização, ao mesmo tempo que procuram minimizar o desequilíbrio de poder entre eles próprios e os seus “clientes”, muitas vezes desprovidos de poder financeiro e social. Sustentando a nossa análise linguística num contexto jurídico, demonstramos que estes discursos servem, ao mesmo tempo que oprimem, aqueles que supostamente têm como objetivo ajudar, proporcionando um exemplo de uma forma local de violência estrutural que perpetua subtilmente os planos neoliberais e um sistema de justiça de duplo nível.

Palavras-chave: *Fianças, Estudos jurídicos, Análise crítica do discurso, Linguística de corpus, Neoliberalismo, Utilizadores de serviço.*

Introduction

The commercial bail bond (henceforth BB) industry in the United States is one of the most discussed and contested aspects of the American criminal justice system. It generates considerable public debate, providing the onus for numerous broad-reaching movements to reform pretrial and bail systems across America (Stevenson 2018). The industry also attracts attention from academic research in a variety of disciplines, including law, criminology, politics, economics, sociology, and psychology. Multidisciplinary research on bail has variously examined issues of debt, profitability, and social inequality (Page 2017; Justice Policy Institute 2012; Western and Pettit 2010; Harris *et al.* 2010; Pettit and Western 2004), prison funding, incarceration, rehabilitation, and recidivism (Harper *et al.* 2021; Ortiz and Jackey 2019; Alper *et al.* 2018; Shannon *et al.* 2017), pretrial decision-making and the calculation of risk (Stevenson 2018), disenfranchisement (Meredith and Morse 2017; Justice Policy Institute 2012), and the power and regulation of BB agents and bounty hunters (Johnson and Stevens 2013; Baker *et al.* 2008b). However, one significant area of the commercial bail industry that has until now been overlooked is the public-facing discourse of BB companies themselves, specifically the language used by these companies in addressing prospective users of their services.

In analysing the language with which BB companies directly interact with potential users of their services, this paper is the first empirical linguistic investigation of commercial BB discourse grounded in its legal context. We examine how BB companies discursively present and promote their services, how they represent the legal system and its processes, and how they construe arrest and detention and, in doing so, how they perpetuate inequalities. Taking commercial BB discourse as a microcosm of the neoliberal ideologies and agendas that pervade the American and other criminal justice systems globally, we discuss the impact of neoliberal frameworks on the multi-jurisdiction question of the tension between neoliberalism and fairness in relation to the administration of justice.

The following section begins by describing the increasingly neoliberal landscape in which contemporary justice systems operate and its legal context. We then go on to explain the US commercial BB industry which is the focus of this paper.

Background

Neoliberalism in criminal justice systems

The administration and delivery of justice in the United States and in jurisdictions such as Canada, the UK, Australia, New Zealand, and many European countries is increasingly shaped by and bound up in structures and ideologies that bear the characteristics of neoliberalism. This political, economic, and ideological reconfiguration, which Walmsley (2019: 249) refers to as the “neoliberal project”, has taken place over the past 40 years in the US. Here, we understand neoliberalism to be a “variegated set of ideas, policies, and practices” (Walmsley 2019: 251) which signify the ideological shift in purpose of the state away from one that is responsible for the full employment and protection of its citizens “against the exigencies of the market” and towards ensuring “individual responsibility and protection of the market itself” (Wrenn 2015: 453). As such, its three core organising tenets are privatisation, deregulation, and the retrenchment of the welfare state (Wrenn 2015).

The impact of neoliberal structures on the already highly inequitable and marketized American criminal justice system is clear to see. The US incarcerates more people than any other country in the world; Harper *et al.* (2021), referencing Shannon *et al.* (2017), estimate that 3% of the total US adult population will be incarcerated over the course of their life, meaning the criminal justice system represents an incredibly prolific and lucrative venture for those who run it. Walmsley (2019: 256), for instance, points to the interrelation of carceral expansionism and neoliberal economic restructuring, where coercive shifts in criminal justice policies have opened “new channels of profitability for financial institutions” and enabled the emergence of consumer credit industries.

The consequences of these shifts are, for instance, directly reflected in the use of a bail system, and a proliferation since the early 1980s of the use of legal financial obligations (LFOs), a series of fines and fees applied to offenders themselves to cover the financial burden of America’s growing criminal justice system. The shift of costs onto defendants and offenders is central to poverty-trap theories of criminal justice, where they act as a form of regressive taxation (Stevenson 2018). These theories assert that such systems compound and perpetuate the existing debt burden of low-income families who are already disproportionately more likely to be involved in the criminal justice system (Harper *et al.* 2021: 250). Ultimately, they create a two-tier justice system (Page 2017) which can affect pre-trial decision-making (Stevenson 2018; Justice Policy Institute 2012) and political enfranchisement, as well as contribute to an increasing distrust of the criminal justice system (Harper *et al.* 2021; Western and Pettit 2010; Pettit and Western 2004).

The oppressive design of the monetised components of American criminal justice are reinforced by neoliberally motivated moves at the level of policy and legislation. For instance, in the bail industry, the American Bail Coalition has repeatedly fought reform in pretrial policy to restrict or de-fund alternatives to bail, such as pretrial services, whilst promoting (and even drafting) industry-friendly legislation (Justice Policy Institute, 2012, p. 3). Likewise, the bail industry is also backed by huge insurance companies and trade associations “with the money and political power needed to maintain their place in the criminal justice system” (Justice Policy Institute, 2012, p. 3). Finally, the general underfunding of rehabilitation programmes means America has high recidivism rates; 7/10 inmates will re-enter the criminal justice system at some point in their

lifetime (Alper *et al.* 2018). This points to a “revolving door” of reoffending which is desirable to those who profit from it (Ortiz and Jackey 2019: 484).

It is unsurprising that numerous critics view the monetised design of the US criminal justice system as a form structural violence, designed to maintain, perpetuate, and profit from legal, political, and economic inequality (Ortiz and Jackey 2019; Hallett 2012). Influenced and shaped by neoliberal agendas and ideologies, this system is deeply entwined in American society, culture, and politics. One linchpin in this landscape is the bail bond industry, which is the focus of this paper.

The bail bond industry

The US is one of only two nations to have a commercial BB industry, the other being the Philippines, though BB practices are banned in the District of Columbia and the states of Illinois, Kentucky, Massachusetts, Oregon, and Wisconsin. Bail has been used for those awaiting trial in the American criminal justice system informally for a few hundred years (Baker *et al.* 2008b) with the first BB company emerging around 1898 (Justice Policy Institute, 2012, p. 5). Since then, the commercial bail industry has grown into one of the largest and most profitable parts of the criminal justice system – there are around 14,000 bail agents in operation across America who extract \$2 billion a year from America’s most disadvantaged families (Page 2017), though publicly-available statistics on BB practices are typically hard to come by (Justice Policy Institute, 2012, p. 33).

In bail systems, after arrest, courts can release defendants, detain them, or require them to pay an amount of money to reduce the risk that they will fail to appear in court at a later date. Often defendants cannot afford bail, so private companies (bail bondsmen) charge a non-refundable premium of the bail to the defendant and pay the full amount on the defendant’s behalf to secure their pretrial release. Typically, fees of between 7 and 20% of the surety value are charged (Shouse California Law Group 2022; Bail Agent Network 2022; Breston 2019). Figure 1 and Table 1 illustrate the variations in the premiums that bail agents charge across the 50 US states (AboutBail 2022).

Private Bail Fees	No. of States
No Private Bail	6
No Max set (inc. Texas)	14
10%	9
15%	3
20%	1
10% Max	4
12% Max	1
15% Max	3
10% mandated	2
At least 6.5%	1
Other	7

Table 1. Variation in Bail Agents’ Premiums by US State*

* 50 States plus Washington DC.

Co-signers, which are usually defendants’ family members or friends, act as de-facto underwriters, assuming responsibility for ensuring the defendant makes it to court, placing

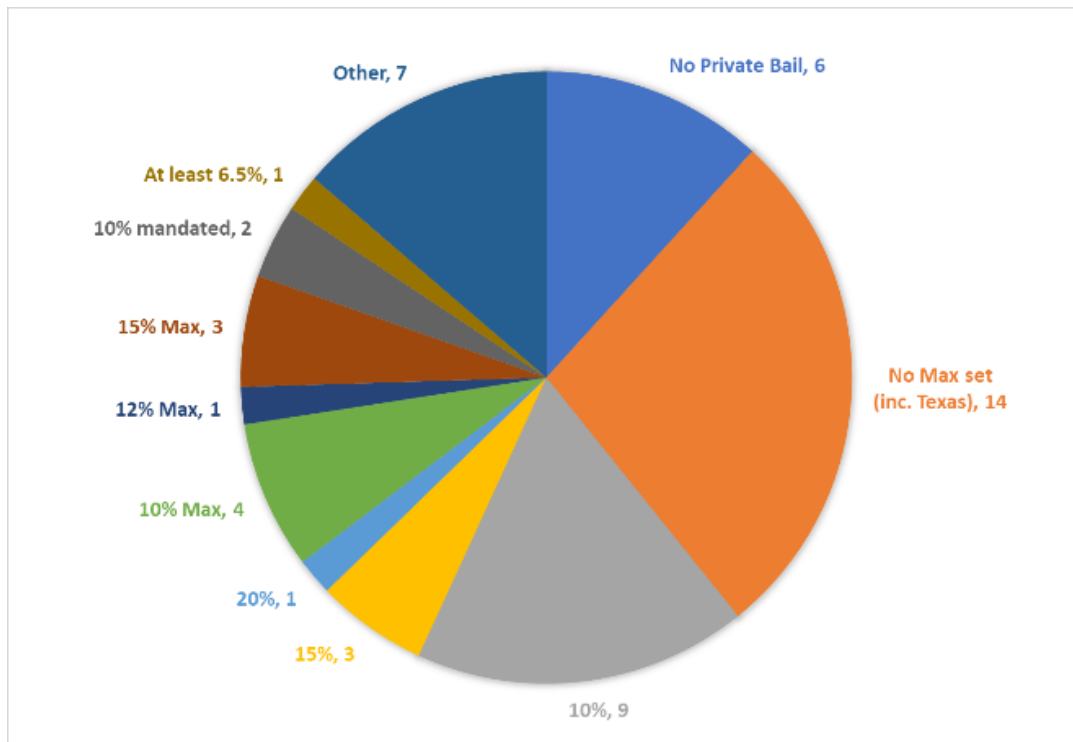


Figure 1. Variation in Bail Agents' Premiums by US State*

themselves at considerable jeopardy if that is not the case. Likewise, in many States, including Texas, an attorney can act as a surety at their own discretion (Texas Occupations Code, Sec. 1704.163). If defendants fail to appear, the court can recover the full amount from the co-signers (Page 2017). If a defendant absconds, BB recovery agents, or “bounty hunters” as they are colloquially known, are often employed by BB companies to track down and bring the defendant into custody. If they cannot locate the defendant, the responsibility lies with the co-signer. Bounty hunters are less regulated than the police and other law enforcement personnel; because of their status as private actors they have “broad powers of apprehension, surpassing those powers that are granted to governmental officials when conducting arrests, searches, and seizures” (Johnson and Stevens 2013: 190).

The commercial bail industry is symptomatic of a two-tiered justice system (Page 2017) where those who can afford to buy their freedom (however temporary) are rewarded and those who cannot are penalised; it is, “one for the haves and one for the have-nots” (Justice Policy Institute, 2012, p. 12). As such, it is highly divisive on many levels, presenting a complicated and contested legal, social, and economic lens through which issues surrounding neoliberalism can be focalised. Some (Baker *et al.* 2008b: 125) view BBs as an integral part of the American criminal justice system, helping to relieve the costs associated with pre-trial incarceration and serving the “utilitarian interests and needs of both the defendants and the courts” by offering legal advice, reminding the former of court dates, and recommending attorneys (though the latter is barred in Texas and would cause a BB company’s licence to be revoked (Texas Occupations Code, Sec 1704.252 (Texas State Capitol 2021: 11)). Others (Harper *et al.* 2021; Lartey 2020; Stevenson 2018; Justice Policy Institute 2012) propose the elimination of cash bail and LFOs and

advocate for improved access to legal services and financial guidance for defendants both when in the criminal justice system and when re-entering the community.

The very pervasiveness of the for-profit bail industry in contemporary American society means it has established itself as an embedded, “everyday part of the criminal justice system”; the Justice Policy Institute (2012, p. 6) observes that commercial bail proponents use “the language of tradition to portray the practice as integral to the operation of the American criminal justice system”, and hence the absence of BBs is unimaginable. It is precisely the language of commercial bail bond companies that this study is concerned with.

Bail bond website discourse

One significant area that has been overlooked by an extensive body of multidisciplinary research on the commercial BB industry is the public-facing discourse of BB companies themselves. As such, this paper is the first to empirically analyse the language BB companies use to address prospective users of their services via their websites, placing that analysis in its socio-legal context.

The public-facing language of BB of websites is a powerful resource at the disposal of BB companies in the context of the power imbalances inherent within the American criminal justice system. We draw on Foucault’s (1969: 54) explanation of discourse “as practices that systematically form the objects of which they speak”. Therefore, we conceptualise language use as a form of social practice which represents, reflects and makes sense of reality whilst also informing, construing, and shaping the reality that is lived out day to day in society (Baker and McEnery 2005: 198). Consequently, the language of BB websites is inextricably situated in and constitutive of its discursive context.

As a means of representing and shaping reality, discourses are underpinned by ideologies. The former provides a means by which the latter can be expressed, actualised, and reproduced in communicative practices (Flowerdew and Richardson 2018; Wodak 2001); discourses serve as “narrative and framing” vehicles through which ideologies are “presupposed, assumed, normalized, and reinforced through repeated variations of a theme” (Chun 2018: 7). As such, dominant or powerful groups in society, especially those in control of public discourse, such as commercial bail proponents, can use discourses in the reproduction of dominant knowledge and ideologies in that society to meet their own demands and to instantiate and sustain social inequalities (Dijk 2005). Likewise, discourses can also be sites of resistance against these dominant systems of belief (Burr 2015). As such, certain aspects of an event, concept, or object can be selectively emphasised, while others are downplayed or concealed.

When viewed as social practice that reflects and informs reality, BB website discourse offers a unique insight into the complex nexus of neoliberal ideologies and agendas in the American justice system and how they may be sustained or challenged through language (Fairclough 2015). The following analysis of BB website discourse provides insights into how the neoliberal agenda interacts with the criminal justice system by examining: firstly, how BB companies discursively present and promote their services to prospective service users; secondly, how BB companies represent the criminal justice system and its processes to prospective service users; and thirdly, how BB companies construe arrest and detention to prospective service users. The latter is important given the extremely high incarceration and recidivism rates in the US.

The Federal and State legal framework for Texas

This first examination of BB website discourse is based on data from the state of Texas, selected using a random State generator. Here we outline the legal context of bail in Texas, focussing on the regulation of BB companies and their advertising. The legal context is important to ground the neoliberal framework in which we situate our linguistic analysis. As this is the first analysis of its kind, particular attention has been paid to the complex, relevant legislation which inevitably controls the parameters of the ways in which bail bond companies advertise their services.

The overarching Federal basis across the US for allowing defendants bail, be it publicly or privately organised, derives from the 8th Amendment of the US Bill of Rights (Full Constitution of The United States) which states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”. As Texas has recently changes its bail laws, including a recent State-specific problem for disadvantaged defendants, it has a particularly complex legal framework in relation to licencing and advertising. This merits an explanation of the background against which the BB companies advertise their services.

Senate Bill 21 was passed in the final days of the second special session of 2021 and aims to further restrict release without cash bonds by restricting release on personal bonds. The Bill, which was signed into law as the Damon Allen Act:

“...[will] block those accused of violent crimes from being released from jail without paying bail. Opponents say it discriminates against poor people.”

The overall regulation of Texan BB sureties derives from the Occupations Code, Title 10, Chapter 1704. Although this is a State regulation, it is devolved to the Counties, complicating how the BB industry is managed at State level. Devolved regulation controls licencing, location, and the fees that can be, or must be, charged. Advertising methods are controlled by overlapping Federal and State laws. Federal regulation is found in the US Federal Trade Commission Act (2006), enforced by the Federal Trade Commission (FTC). “[U]nfair or deceptive act[s] or practice” is outlined in section 45(a)(1) of the Federal Trade Commission Act and FTC can request sanction from the Attorney General (and State Attorneys). The AG’s duty is “to cause appropriate criminal proceedings to be brought” (US Gov 2006: § 56(5)(b)). In practice, the Commission often uses “§ 57b Civil actions for violations of rules and cease and desist orders respecting unfair or deceptive acts or practices” (US Gov 2006).

Sanctions include cease-and-desist orders if the violation is “*one which a reasonable man would have known under the circumstances was dishonest or fraudulent, the court may grant relief*”, including but not limited to “*rescission or reformation of contracts, the refund of money or return of property, the payment of damages, and public notification respecting the rule violation or the unfair or deceptive act or practice*” (US Gov 2006: § 57b(b)). This may dissuade commercial companies from making unreasonable claims or statements (in their advertising). However, as BB companies’ clients are accused of a criminal offence(s), normal company/client power dynamics are altered; users are less likely to challenge unreasonable claims or statements in advertising should they identify them.

This can be contrasted with the usual commercial/client relationship where clients are typically able to take their business elsewhere or seek legal redress. Defendants or

their co-signers are stigmatised by criminal accusation and face the threat of incarceration if the bond is breached. A co-signer faces financial repercussions. Access to justice is limited for those who cannot afford to pay for high quality legal representation to challenge unfair practices; state-funded legal assistance is very limited - “*more than 50 percent of those seeking [state funded] help are turned away*” (US, DoJ).

All BB companies must be licenced, and county Bail Bond Boards can revoke licences for breaches of the code (Sec. 1704.151). Sec. 1704.109 regulates “*SOLICITATION AND ADVERTISEMENT*” to protect: “(1) the public from: (A) harassment; (B) fraud; (C) misrepresentation; or (D) threats to public safety; or (2) the safety of law enforcement officers”. This code also limits unsolicited contact with those arrested by means other than for “*Class C misdemeanor[s]*”. Sec. 1704.252 (10) allows a Board to revoke a licence if they “*solicit bonding business in a building in which prisoners are processed or confined*”, thereby limiting advertising near to detained persons. Likewise, Sec. 1704.304 controls who can recommend bail bond companies and where recommendations can be made. BB companies, for example, cannot recommend attorneys, and police officers, sheriffs, deputies, constables, jailers, or employees of a law enforcement agency, judges, employees of a court or public officials cannot recommend BB companies. Soliciting BB sureties is not permitted in police stations, jails, prisons, detention facilities, or “*other places of detention for persons in the custody of law enforcement*” and “[*a*] *person may not place a device in a place of detention, confinement, or imprisonment that dispenses a bail bond in exchange for a fee*”.

Advertising online bypasses these in-person restrictions. Thus, although the general accessibility of websites arguably improves access to justice, the BB websites themselves provide a particularly crucial resource for BB companies to present and promote their services. Hence, we focus our analysis on website advertising.

Data and Method

This section outlines the data and methods used for its analysis.

The BBW Corpus

We created a specialised corpus from twelve BB company websites (the BBW corpus), randomly selected from a Google search for “bail bonds companies” in Texas. Texas was also selected randomly using a State generator. Websites are a widespread and accessible medium for advertising financial services and therefore provide an important public-facing platform for BB companies (Cook 2001). Brookes and Harvey (2017a) note that websites can be particularly attractive to prospective users of alternative financial services, such as payday lenders, because the relative anonymity of the internet “insulates” against the stigma and stress that using these services may carry. Additionally, given strict regulation of soliciting contact with defendants in person, online advertising is a particularly important resource for BB bonds companies in Texas. Likewise, BB company websites provide a primary source of information for defendants and their families.

Specifically, the BBW corpus comprises the two website pages that all twelve websites had in common, “Home” and “About Us” (or just “About”), and the content of which were most relevant to our research questions. An initial survey found that these pages were the best for capturing, for instance, data where BB companies dedicated language to presenting and promoting their services. “Home” pages are the main landing point for

visitors and prospective customers; they are crucial for communicating key messages and creating traction. “About Us” pages typically provide a broad background on the company, including its values and objectives, as well as the bail services it provides. In total, the BBW corpus comprises 23 web pages from 12 websites, totalling 11,271 words.

Whilst the BBW corpus is a specialised corpus compiled through the principled selection of specific text type, it is not a statistically representative sample of all BB website discourse and we do not treat it as such in our analysis (Koester 2010). Creating a corpus that would be wholly representative of BB website discourse is unrealistic given the volume of BB companies in operation in the US, and the variation of their regulation across different states. Therefore, we have intentionally created a small BB website corpus which we expect to yield important initial insights into how BB companies present their services, legal processes, and arrest to the public in Texas at least. Additionally, as the first empirical investigation of this discourse type, a small corpus enables greater familiarity with each text and lends itself to the more qualitative aspects of critical discourse analysis which are explained below.

Corpus-assisted critical discourse analysis

This study examined our specialised BBW corpus through corpus-assisted critical discourse analysis, combining the computational methods of corpus linguistic tools with the analytical perspectives of critical discourse analysis (CDA). The use of corpus-assisted CDA is now well established and has, for instance, been successfully applied in research on representations of different groups of people (Baker and McEnery 2005), diseases and illnesses (Siiner 2019; Hunt and Harvey 2015), societal issues, like marriage (Kania 2020), air pollution (Wang 2018), violent jihadist discourse (Brookes and McEnery 2020) and language ideologies (Wright and Brookes 2019). Our data is grounded in this genre of societal issues, particularly those which can be affected by issues of power imbalance, and as such is ideally suited for corpus-assisted CDA.

Corpus linguistics is a computational methodology that uses software to examine large amounts of electronically stored linguistic data and identify salient, as well as non-obvious, linguistic patterns. As such, many corpus linguistic methods are primarily quantitative, providing a “map” of a corpus and a valuable entry point into data by identifying linguistic patterns or features of interest (Baker *et al.* 2008a: 293). Whilst this “map” can provide insight into salient patterns of language use, it cannot help to explain the meanings and functions of them, nor can it place them in their wider context beyond the corpus. Likewise, purely quantitative techniques cannot readily analyse how such patterns might be realised in more subtle, nuanced, complex, and even coded ways (Baker and Levon 2015: 234). To explain and meaningfully interpret their findings, quantitative corpus linguistic methods are often supplemented and expanded by more qualitative techniques that do account for such nuance and complexity, as well as the social, political, historical, and cultural contexts of the data (Baker *et al.* 2008a: 293).

Critical discourse analysis refers to a collection of approaches to examining discourse in ways that *are* intimately concerned with connecting texts and their linguistic features with their social, political, historical, and cultural contexts, as well as who produced them, for whose benefit, and with what purpose (Baker 2010). As such, CDA approaches, which traditionally prioritise qualitative methods, aim to identify and reveal precisely those implicit, subtle and “hidden features of language use” that may not be readily available to many quantitative corpus methods, as well as those that are more

transparent (Flowerdew and Richardson 2018: 21). In doing so, CDA investigates “critically social inequality as it is expressed, constituted, legitimized [sic], and so on, by language use” (Weiss and Wodak 2003: 15); it sets out to discredit claims to authority made through language use (Flowerdew and Richardson 2018: 21). The “critical” in CDA refers to raising awareness of the status quo (Flowerdew and Richardson 2018), and understanding and explaining how discourses relate to issues of power, dominance, ideology, and control. This includes how discourse relates to aspects of the social world, including practices, norms, structures or systems, and how these are sustained or challenged through language (Fairclough 2015). This is because critical discourse analysts conceptualise discourse as social practice that both reflects and construes reality.

There is a “methodological synergy” (Baker *et al.* 2008a: 274) and complementarity in the methods normally used by corpus linguistics and CDA research. Corpus methods help to “tie down” (Baker and Levon 2015: 233) qualitative interpretations typical of CDA research whilst the results of statistical corpus methods also need to be interpreted up-close (Cicourel 1969). In seeking to make the implicit explicit, corpus-assisted CDA is well positioned to aid our investigation of “neoliberal common-sense beliefs” in the context of the American justice system, by asking “who benefits and who is left behind in our societies” (Chun 2018: 14).

Keywords

To ensure our route into the BBW corpus was based on statistical saliency rather than researcher intuition, we began with a keyword analysis (Charteris-Black and Seale 2010). Keywords are words that appear significantly more frequently in a specialised corpus (such as the BBW) than would be expected when compared to their frequency in a reference corpus, pointing to the “aboutness” of a text (Scott and Tribble 2006). Reference corpora are usually very large and represent a chosen language across a variety of contexts within a certain time period; they act as a standard against which a specialised corpus is statistically compared to identify the keywords. This study’s reference corpus is the American English 2006 corpus (AmE06) (Baker *et al.* 2006), a 1-million-word corpus of published general written American English, which is compiled of 500 texts, including newspapers, fiction, academic writing, and general prose, mainly published in 2006. Whilst other, larger, and more contemporary reference corpora are available, such as the 15-million-word Open American National Corpus (2022), corpus linguistic literature stresses that the best reference corpus is determined by its suitability to the study corpus in terms of size, rather than its superior size (Gabrielatos 2018; Berber-Sardinah 2000). Hence, as our study of BB discourse is intentionally small-scale, we have chosen the AmE06 as an appropriately sized reference corpus with which to create keywords (Baker 2013).

Given the relatively small size and non-representative nature of the BBW corpus, we used the effect size statistic, log-ratio, to calculate keywords in this study using the corpus software #LancsBox 6.0. Log-ratio indicates the relationship between word occurrences in the specialised corpus and the reference corpus, and emphasises absolute frequencies (Pojanapunya and Todd 2016). The log-ratio calculation generated 44 keywords which are listed in Table 2 below. Each keyword had a minimum frequency of 5 in the BBW corpus and a log-ratio keyness score of 5+. This list excludes proper nouns (e.g. Dallas), as well as numerical values, such as telephone numbers, and contractions (e.g. won’t).

Analysis

We examined concordance lines of each of the 44 keywords to determine their overall usage in the BBW corpus and sorted them into semantic categories. When grouped into semantic categories, keywords point to the major themes of a corpus and act as a signposting tool from which the researcher can begin to identify discourses (Scott 2010). Where an appropriate semantic group already existed, a term was added to it. Where there was not, a new group was created to accommodate it. As Table 2 shows, this bottom-up process identified five main themes in the BBW corpus and numerous subgroups. The keywords are listed with decreasing keyness scores.

Semantic Categories	(Subgroups)	Keywords
BB Company Referents		bail, bondsman, bondsmen, bonds, bond, bonding, agents
BB Services	Accessibility/ Availability	24-hour, affordable, convenience, mobile, nationwide
	Credibility	licensed, knowledgeable, reliable, professional
	Privacy	confidential, confidentiality, discrete,
	Speed	fastest, fast, quick
	Money	payment, flexible, financing
	Object/ product of services	release, assist, customer
Legal	Concepts	notary, defendant, warrants, defendants, processed, paperwork
	Offences	DUI, DWI, misdemeanor, tickets
Arrest/ Detention		jails, jail, arrests, arrested
Family		loved

Table 2. Semantic categories of top 44 lexical keywords in BBW corpus

The five main semantic categories provide an insight into BBW corpus' main themes. Unsurprisingly, the first category concerns referents to BB companies. *bail*, *bondsman*, and *bondsmen* make up the top three keywords. The prominence of these terms indicates how specialised the BBW corpus is in comparison to general written American English. The description of BB services category is the largest, with six subcategories which mainly contain adjectives with typically positive associations. Hence, this initial survey of the data suggests BB services are routinely framed in an appealing and favourable light, something unsurprising given the primary function of "Home" and "About Us" pages we noted in our first area of interest (the way in which BB companies discursively present and promote their services to prospective service users). The construal of the semantic category Arrest/Detention directly maps on to our third area of interest (the way BB companies construe arrest and detention to prospective service users given the extremely high incarceration and recidivism rates in the US). The semantic category, Legal, aligns with our second area of interest (the way BB companies

represent the criminal justice system and “normalise” their services). The fifth keyword category, Family, has only one term, the adjective *loved*, as in the noun phrase *loved ones*.

The remainder of the analysis interrogates these keywords and their semantic categories in their discursive context to address all three of our areas of interest. As will be shown, the three are closely interrelated.

Representations of bail bond services

This section presents an analysis of the keywords in the semantic category “BB Services” to address how BB companies discursively present and promote their services to prospective users. The dominant discourse in the data frames securing a bail bond and a defendant’s release as highly routinized and streamlined. For instance, the adjectives *fast* (n=48) and *quick* (n=24) in the keyword subcategory “Speed” demonstrate the swiftness of this process:

1. We provide **fast** bail bonds in the following counties (Text#1)
2. Our licensed bail bond agents specialize in **quick release** from all jails (Text#5)

Similarly, BB services are highly convenient; they are both readily available (in terms of time and location) (Examples 3-4) and offer accessible (Example 5) (see Accessibility/Availability, Figure 2) and *flexible* ways of paying (Example 6):

3. Call our Dallas Bail Bond agents **24 hours a day, 7 days a week** (Text#8)
4. We provide a variety of easy payment options as well as **mobile** bond delivery (Text#5)
5. We guarantee you the best **affordable** bail bonds. (Text#7)
6. make sure to ask how you may benefit from our **flexible** programs (Text#10)

The speed, convenience, and simplicity of bail services is typified by Figure 2, which conceptualises the BB process in four steps: 1) defendants or their families contact the company at the point of arrest, 2) the relevant paperwork is completed, 3) payment of the non-refundable premium is made, and 4) the defendant is granted bail. In most cases, these simplified representations presuppose the success of BB applications.

The second step in particular streamlines the BB process by eliding defendants’ and co-signers’ important legal and financial commitments and obligations into one simple umbrella term, *Paperwork* (n=5) (see Table 2, Legal). Two thirds of the websites in the BBW corpus had secondary pages that provided more information on these issues (e.g. “How bail works” and “Post-arrest guide”). However, that this information is largely absent on the Home and About Us pages, which communicate key messages and have the most traction, may indicate that BB companies may not want this information to be available initially in case it deters prospective service users. Equally, BB companies may simply not consider this information to be immediately relevant to prospective service users or they may assume that some (repeated) service users are already familiar with this process. In addition, as Examples 7-9 show, BB companies position themselves as actively pruning (*minimize*), downplaying (*basically, just*), and accelerating (*speeding up*) the paperwork stage. The following section will illustrate how legal processes are constructed as inaccessible and impenetrable in the BBW corpus.

7. We’ll **minimize** paperwork and never throw away time (Text#2)
8. **Basically**, the individual with the warrant **just** needs to come to our office [...] and **complete the bonding paperwork** (Text#12)

OUR BAIL PROCESS

As the best bail bonds agency in Dallas, we do everything we can to make the process go smoothly. Here is a very simple 4 step process that we follow. Your satisfaction is our number one priority.



Contact Us



Paperwork



Pay



Bail

Figure 2. Simplified four-step bail process (Text#6)

9. paperwork takes between one and four hours, so our bail bond service focuses on **speeding up that process**. (Text#5)

Through a discourse of speed, convenience, and simplicity, securing bail is highly routinized to the point of near automation, which is comparable to Brookes and Harvey’s (2017a) findings on payday loan lenders. This discourse has the effect of normalising the use of BB services, a process which Gavriely-Nuri (2018: 7) explains positions social objects as “forming part of normal life and normal society”. This normalisation is reinforced across the corpus by numerous quantifications of 1) time in the industry and 2) previous customers, which Figure 3 and Figure 4 illustrate.

	Node	
YOU CAN TRUST! For more than 10	years	(since 1995), A-Affordable Bail Bonds has been
released from jail quickly. With over 24	years	of experience, we've earned an excellent reputation
Keller and Tarrant County. Over our 26	years	in business, we've earned an excellent reputation
Licensed Bail Bondsmen After more than 26	years	doing bail bonds in the Dallas/Fort Worth
Qualified Bail Bondsmen With more than 26	years	in the Dallas/Fort Worth bail bond industry,
for your privacy. With more than 26	years	in the Keller bail bond industry, we
been in business since 1990. Our 30	years	of experience make us more than qualified
the bail bonding profession. During his 33	years	of experience in this proud profession, he
us out from others. With over 35	years	of combined experience under our belt, we
Houston Metropolitan Area for more than 60	years,	maintaining a reputation for high-quality service and
Chair of the COP for nine consecutive	years	until 2000. In February 2004, he was
been in the Bail Bonds industry for	years	in Texas. Our professional Dallas County Bail
Hwy. 67 and Polk St. We have	years	experience in the Texas bail bonds industry.
family together again. We have dedicated many	years	to providing excellent service to the community.

Figure 3. Concordance lines of *years*

	Node	
put forth unparalleled service to work for	thousands	of satisfied customers every week. About Us
people who truly love you. We've helped	thousands	across Houston with the bail bond process.
Our Reputation In Houston Precedes Us With	thousands	of happy customers and the title of

Figure 4. Concordance lines of *thousands*

Such quantifications evidence each individual company’s Credibility (see Table 2) and legitimacy. Concurrently, they also are testament to the common use of BB services in general. In this way, prospective users are reassured that their individual legal and/or financial predicaments are entirely unexceptional to BB companies who have encountered similar situations thousands of times before. Consequently, using BB services is constructed as a normal and accepted form of every day legal and financial self-management.

In analysing concordance lines of the keywords *bail* and *release*, we also identified a pattern in the data where BB services are positioned as protecting and upholding defendants’ constitutional rights. For instance, Examples 10-13 illustrate how BB companies refer to the defendants’ entitlements to liberty when describing their underpinning values.

10. We **believe** in the **right to bail** and **our mission** is to help you get out of jail [...] (Text#1)
11. **Our mission statement**. [...] **we believe** that all people are innocent till proven guilty and **we support your constitutional right to be released on bail** before you go to court (Text#10)

12. Our professional services will **help you** get back your freedom and give you **the second chance you no doubt deserve**. (Text#2)
13. We at [company name] **believe** everyone deserves **second chances** (Text#10)

The *right* to bail, a *second chance* (Examples 10, 12, 13), and preserving personal freedom are central to these companies' beliefs (Examples 10, 11, 13); they are commonly held truths of which there is *no doubt* (Example 12). In Examples 10 and 11, the BB companies' *raison d'être* (their *mission*) is to uphold the constitutional right to bail; overall, BB services provide a necessary and morally just function, to *help* (Examples 10, 12) and *support* (Example 11) this basic entitlement. As BB services are positioned as stemming from highly virtuous and altruistic principles and motivations which empower and benefit its users, the BBW data legitimises not only each company's provision but also the very basis of the BB industry itself.

This analysis has so far shown how BB services are normalised through discourses of speed, convenience, and simplicity, and are legitimised or justified by a discourse of protecting defendants' constitutional rights. We will now briefly demonstrate how the experience of (the keyword) *release* that follows bail is represented in the BBW corpus as restorative and transformative.

Firstly, the representation of release typically implies that life will immediately return to normal for defendants. The nouns *normalcy* [(sic) normality] and *routine*, and the verbs *regain*, *restore*, and *continue* in Examples 14-16 below illustrate how securing bail enables a return to the status quo and a state of seemingly unbounded freedom:

14. To **regain your freedom** and **restore normalcy**, get help fast from [...] (Text#5)
15. we're dedicated to helping you get your loved ones out of jail and **back to their daily routine** as quickly as possible (Text#11)
16. Once done, you can **continue to enjoy your freedom** and peace of mind without worrying about huge debt incurred via bail bonds (Text#2)

This return to normality is also focalised through the notion that BB services reunite families:

17. Our well-experienced professional bonding agents won't stop until you're **back** where you **should be** –at home with your loved ones! (Text#2)
18. We want your family together **again**. (Text#10)

These constructions contain adverbs (*again*) and modal verb phrases (*should be*) that imply that the natural and default mode is for families to be together, and that BB services ensure that this is upheld. Moreover, in the BBW corpus, securing a bail bond is represented as providing defendants with new opportunities:

19. whenever you or your loved ones get arrested, to secure their freedom, and **move on to better things** [...] (Text#2)

and a new lease of life:

20. Call now at [number] for a **better life break** (Text#2)

The discourse of the restorative or transformational properties of BB services is highly idealised; the experience of bail is coloured in "positive tones" (Gavriely-Nuri 2018: 7). It purports that the purchase of freedom is permanent, absolving defendants of all their

problems. Restorative or transformative conceptions of release, premised on the notion that BB companies *save the day* (Text#4), obscure the reality of the bail experience, namely that this freedom is conditional, and, in some cases, may only temporarily defer incarceration. Additionally, this conception of BB services eschews that the time spent on bail might be rife with the negative human consequences of awaiting trial such as anxiety and stress, which may be compounded by further financial hardship. The appealing transformative property of BBs also mirrors that of British payday lenders. Brookes and Harvey (2017b: 177) assert that transformative propositions on payday lending websites “de-stigmatised” payday lenders by legitimising their incredibly high interest loans on the basis that their loans enable borrowers to “improve their personal, social and financial standing”.

Like the discourse of protecting and upholding defendants’ constitutional rights, this restorative or transformational discourse is another means through which BB services are legitimised as morally virtuous organisations. Such attempts to legitimise BB services and their motivations mirrors justification, another strategy for normalisation which Gavriely-Nuri (2018: 7-8) asserts “aims to depict the social object as just, rational, worthy of support”.

Representations of the legal system

Despite the legal framework in which commercial BB companies operate, it is of note that whilst the BBW corpus comprises BB website “Home” and/or “About Us” pages for all the selected BB companies’ websites, not all websites contain other pages that focus specifically on the legal and financial aspects of using BB services, including the obligations of defendants and co-signers.

The top keyword in the legal semantic category, *notary*, was used exclusively in the noun phrase *notary public*. Concordancing found that *warrant* (noun) was typically something the BB companies could *verify*, *help with*, *resolve* or simply *lift*. *Paperwork* is discussed in the previous section regarding the normalisation of BB services.

Considering that naming conventions raised by other disciplines are bound up in issues of power (Donzelot 1979), *defendant* (n=22) (and the plural *defendants* (n=5)) provides an important insight into how BB websites position the (prospective) users of their services. Users of BB services are also referred to by the keyword *customer* (n=14) in the corpus (see Object/Product of Services semantic category), as well as *client* (n=16). *Defendant* almost always occurs with the determiner *the* (n=15), having no pronominal possessors. *Customer* and *client*, however, are often pre-modified by the first-person possessive pronoun *our* (n=5 and n=7 respectively), which directly affiliates these individuals with BB companies. Interestingly, one instance in the data attempts to explicitly distinguish between *defendant* and *client* by removing agency from the latter, stating that:

21. To us you’re not a **defendant**. You’re another **client** who has found themselves in some unfavourable circumstances (Text#2)

We examined concordance lines of *defendant*, *customer*, and *client* in this study’s reference corpus (AmE06) to determine their general usage in contemporary written American English. Unsurprisingly, *defendant* primarily occurs with legal terminology (*trial*, *law*), while *customer* reflects a commercial discourse (*service*, *base*, *consumer*, *benefits*, *investment*, *satisfaction*). The general written American English use of *client* revealed a

mix of commercial usage (*retail, trader, interview*) and therapeutic usages (*treatments, sensations, counsellor*). *Client*, in particular, implies an equal power balance between the BB company and the defendant. The BBW corpus refers to users and prospective users of BB services using one term that is generally rooted in legal discourse and a second that is rooted in commercial discourse in comparable frequencies, whilst the third pervades commercial and therapeutic discourse types. This elision between legal and commercial realms is indicative of the wider agenda and positioning of BB companies.

As there were only 6 keywords in the Legal semantic category (excluding the sub-category Offences), we widened the investigation by using other terms related to the keywords, such as *law*, and employing collocation analysis to consider other salient lexical patterns surrounding these keywords. Collocation assesses the strength of the relationship between two words in a corpus and the significance of that relationship (Rayson 2015). For instance, the title of the keyword category, “legal”, collocated with the noun *system* to give the noun phrase *legal system* (n=5) (where collocates were calculated using Mutual Information, with statistic value above 3, and a minimum frequency of 5). Concordance analysis revealed that the *legal system* is typically presented as a complicated entity (Example 22) that is difficult to *navigate* (Example 23):

22. we will be there to offer all our services and lead clients through **the complicated legal system** which we’ll make simple and easy to follow. (Text#2)
23. Our intimate knowledge of the **legal system** and procedures will help you **navigate** this difficult situation with ease (Text#11)

The structure of these examples follows the format that (1) BB companies or their assets, *we/our knowledge*, (2) perform processes, *lead clients/help you*, that (3) simplify the legal system or make it more accessible, e.g. *easy to follow/with ease*. Consequently, the legal system is positioned as inaccessible or impenetrable without BB companies’ assistance and specialist knowledge. Perhaps the best example of this discourse is Example 22 when placed in its broader discursive context, as below:

24. we will be there to offer all our services and lead clients through the **complicated legal system** which we’ll make simple and easy to follow. **Bureaucracy** is a pain and we know exactly how to deal with it (Text#2)

The *complicated legal system* is directly associated with the noun *bureaucracy*, which is used here to denote ineffective or excessively complicated official procedures. Hence, the legal system is represented as an inaccessible and inconvenient process to defendants (*a pain*) to which this BB company provides a neat resolution – they know how to *deal with* it.

Expanding the search criteria further, we found that *system* (n=14) also co-occurs with the following terms which are interchanged with *legal*: *bail systems* (n=1), *court systems* (n=1), *judicial system* (n=2), *criminal justice system* (n=1), and, simply, *the system* (n=2). As Examples 25-28 show, these terms are also framed as inaccessible:

25. The Houston **court and bail systems** may appear very **confusing and complicated** to most people (Text#2)
26. We can [...] help **familiarize** you with **the judicial system** (Text#11)
27. Our **dedicated** bail bondsmen know how **the system works** (Text#6)
28. We founded [company name] with the goal of educating our clients about **surviving** in **the judicial system** (Text#2)

Once again, to lay people, the legal system is presented as a complicated and confusing entity (Example 25) that requires familiarisation (Example 26) or specialised staff to understand (Example 27). In Example 28, through the intransitive verb *surviving*, the *judicial system* is associated with words typically semantically related to events of natural disaster, conflict, and destruction. For instance, in the AmE06 reference corpus, concordance lines of *survive* show that it is associated with terms such as *storm*, *drought*, *battle*, *disease*, and *combat*. Hence, the construction in Example 28 implies that without the BB company's guidance defendants will perish in the judicial system. Additionally, as in Examples 10-13, where BB companies are positioned as having highly virtuous and altruistic principles and motivations, in Example 28, the purpose of this company is to educate their clients.

Representations of arrest and detention

The presentation of Arrest and Detention, another key semantic category, in the BBW corpus was a complex and contested topic. The analysis identified one discourse whereby arrest is positioned as a non-routine, exceptional and potentially embarrassing experience. Firstly, through concordance analysis of *arrest* (n=37) we found a recurring pattern that acknowledges that, for both defendants and their co-signers, arrest: 1) induces feelings of fear:

29. Arrests are **scary and stressful**, but you're not alone (Text#11)
30. Getting arrested, booked and jailed can be a **terrifying, confusing and dangerous** experience (Text#6)
and 2) causes stress:
 31. Choosing [a bail bond agency] while you're **emotionally stressed** by the arrest of a loved one can feel overwhelming (Text#11)
 32. We understand that dealing with an incarcerated loved one can be a traumatic, **stressful**, and frustrating experience (Text#1).

Secondly, arrest is framed as invoking feelings of embarrassment and hence it should be handled sympathetically (i.e., a *sensitive issue*):

33. When it comes to **sensitive issues** such as getting arrested, you need a reliable company (Text#7)
34. Being arrested by the police is troubling and, often times, **embarrassing** situation (Text#1)

The potential embarrassment caused by arrest was also identifiable in the Privacy subcategory of keywords that describe Bail Services. The adjectives in this subcategory typically emphasise these companies' discretion and confidentiality. For instance:

35. We offer **confidential**, fast, and quality, service to all our clients. (Text#12)
36. Call [company name] for **confidential service** that is lightning fast, dependable and **discreet**. (Text#6)

Confidentiality is expected of companies in this industry. However, when paired with a pattern of arrest causing fear, stress, and embarrassment, BB companies' conscious selection of adjectives like *confidential* and *discreet* may also imply that using their services is something that their customers may wish to conceal.

The discourse of arrest as a non-routine, exceptional, and embarrassing event for many prospective bail bond users was supported by analysis of the keyword *jail* (n=102). In the BBW corpus, being detained in jail is highly undesirable; it is *not a pleasant place to be* (Text#10) and a *hell hole* (Text#4). Examples 37-38 are explicitly directed at defendants' co-signers. Example 37 exemplifies imperatives in the data which implore friends and family to act to help their *loved one* (*Do not leave*). In turn, incarceration is positioned as something that defendants must be saved from.

37. **Do not leave** your loved one in jail, call us and we will get them out QUICK (Text#10)
38. By using a bail bond agency, **you can avoid leaving your loved one** in jail where they are vulnerable to violent incidents, pressure from police officers, and even contagious diseases like COVID-19. (Text#11)

Significantly, we also identified a counter discourse to the discourse of arrest as a non-routine, exceptional, and embarrassing experience, whereby arrest and detention are subtly naturalised. Gavriely-Nuri (2018: 7) asserts that naturalisation, which aims to represent a social object as “a force or event independent of human agency, or as an inevitable outcome of the laws of nature” is another strategy for achieving the normalisation of it.

As will be illustrated, this counter discourse is primarily realised through lexical items relating to time that modify *arrest* and its related concepts. Examples 39-41 demonstrate those constructions in the BBW corpus which presuppose or anticipate arrest:

39. Nobody plans **when** to go to jail. But **whenever it starts** to get messy, we'll always be there to help you (Text#2)
40. No one can predict life's challenges, including **the time at which** you or a loved one might be arrested (Text#5)
41. We know you don't make appointments to go to jail, so we're open **anytime** you're inconvenienced. (Text#2)

In Example 39, the adverb *when* presupposes that arrest will take place by framing it as a probability. Meaning “at what time”, it positions the timing of arrest as unforeseen and problematic, rather than the fact of it. Without *when*, arrest in this clause is a simply an unplanned but hypothetical situation; [negative] + “to go”. The conjunction *whenever* (n=5) also presupposes arrest. Meaning “at whatever time”, *whenever* also modalises arrest (euphemised here as *get messy*) as a probability rather than indicating a possible event. For instance, compare *whenever* with alternatives, such as the conjunction *if* or the verb *should*. In Example 40, the time phrase *the time at which* performs a similar function. Again, the time of arrest is problematized, rather than whether it will occur at all. In this way, arrest is presupposed once more. Example 41 takes the same format, stating that detention is not prearranged, and hence BB services are available when such circumstances arise. Additionally, it is notable that, contrary to arrest being a scary and stressful experience, in Example 41 it is trivialised as a mere inconvenience.

The presupposing or anticipation of arrest is also discernible in Example 42 below where the threat of arrest and detention is positioned as an impending or looming part of everyday life:

42. Arrest and detention **can happen any time** of the day or night. (Text#6)

Finally, this theme is extended in Examples 43-45 which illustrate a pattern in the data whereby arrest and detention are positioned as recurring rather than discrete events. This is realised through both repeated use of BB services, as signalled by more time phrases (*Next time* and *once again*), and quantification (*multiple, more than one*):

43. **Next time** you or someone you know is in need of fast, professional bail bonding services, call Ace Bail Bonds (Text#3)
44. we hope you will leave us feeling happy. So if the need arises you will call us to help **once again** (Text#10)
45. our [...] Bail Bonds agents **regularly post multiple bonds** for [...] jails on a single individual who has been arrested for **more than one offense** (Text#12)

The adverb *regularly* in Example 45, which frames the use of bail bonds service as common, is indicative of the cumulative effect of these subtle patterns through which arrest and detention are naturalised.

Discussion and conclusions

This article set out to explore how commercial BB companies 1) discursively present and promote their services, 2) represent the legal system and its processes, and 3) construe arrest and detention to prospective service users on their websites. Unsurprisingly, as an accessible form of advertising, these websites overall represent BB services and their use by the public in an attractive and appealing light. However, this analysis has also unearthed that this favourable representation is underpinned by discourses that perpetuate neoliberal agendas and ideologies and has highlighted the power imbalances inherent within the relationship between the BB companies and their service users. As the findings presented above are particularly rich and their contextualisation complex, we focus this discussion on three problematic ways in which these inequitable ideas pervade everyday public discourse. It is important to remember that the users of BB services have not been convicted of a crime and have the right to be presumed innocent during their interactions with BB services and indeed more broadly in relation to their interactions with the criminal justice system.

Firstly, our analysis suggests that BB companies routinely pass off the commercialisation of freedom from incarceration, from which they routinely profit, palatably, perhaps insidiously, as moral resolve. In presenting themselves to prospective service users, BB companies make efforts to legitimise themselves as morally virtuous organisations that are just and worthy of support (Gavriely-Nuri 2018), positioning themselves as performing important and needed social and legal functions and serving the “utilitarian interests and needs of both the defendants and the courts” (Baker *et al.* 2008b: 125). This includes upholding defendants’ constitutional right to bail and guiding laypeople through the process of obtaining bail, educating them about a legal system that is framed as otherwise wholly inaccessible, and helping offenders where arrest and detention is a frightening and stressful experience. However, it must be remembered that this is a for-profit commercialised industry that both relies and thrives on the continued legal, financial, and social hardship of others. The most vulnerable in society will be disproportionately affected by both an increased likelihood of contact with the criminal justice system and an increased likelihood of lacking the financial, educational, and social means to be able to mitigate this contact on an equal footing with a non-vulnerable citizen. Of course, it could be argued that, by definition, any accused person in the criminal

justice system becomes vulnerable no matter the level of their financial, educational, and social resources. However, the question of equal access to justice is a known issue within the criminal justice system in many jurisdictions so it is reasonable to conclude that the impact is compounded for defendants already occupying vulnerable or disadvantaged groups in society (see for example Rhode (2004); Cappelletti *et al.* (1982)). The Organisation for Economic Co-operation and Development (OECD) (2016: 12) note that “Unequal access to justice is expensive. Evidence is mounting that unresolved legal problems are costly both to the individuals directly affected and to society as a whole”, concluding that “unequal access to justice also diminishes public confidence in the justice system which can further erode the social fabric”.

Secondly, BB websites may have the effect of normalising BB services, not only as an “everyday part of the criminal justice system” (The Justice Policy Institute, 2012, p. 6) but also as an unexceptional mode of legal and financial self-management. Akin to payday loan lenders as alternatives to mainstream financial services (Brookes and Harvey 2017a,b), the use of bail is construed as highly routinized, owing to these companies’ speed, convenience, and simplicity. These processes are so streamlined that the “Home” and “About Us” pages are able to downplay defendants’ and co-signers’ important legal and financial commitments and obligations to BB companies, whilst promoting their services in a more philosophical, moral, context. That bail services are positioned as “unobjectionably common” (Brookes and Harvey 2017a: 242) and something on which the public can so readily rely, directly reflects, and compounds the dependence that many low-income families trapped in cycles of indebtedness and poverty can and often do have on these companies (Harper *et al.* 2021; Stevenson 2018; Western and Pettit 2010; Pettit and Western 2004).

Thirdly, just as the use of BB services are positioned and presented on the websites as unexceptional, the arrest and detention of prospective users of their services is also naturalised (Gavriely-Nuri 2018). Discourses on BB websites that presuppose arrest and downplay it as an unexceptional or inconvenient experience are symptomatic of the exceptionally high rates of incarceration and recidivism in the US; when arrest is framed in public discourse as a commonly recurring life event, it echoes the US’s generally low success with rehabilitating offenders (Alper *et al.* 2018) and precisely the desirable “revolving door” of reoffending that keeps BB companies in business (Ortiz and Jackey 2019: 484; Hallett 2012). This point highlights the inherent tensions between the State’s (presumed) objective of reducing recidivism and the (presumed) objective of the BB companies to remain in business, for which they require a steady stream of users of their services.

Critics have already described actions by the bail industry, including lobbying legislation and defunding alternatives to bail, as forms of structural violence, designed to compound the legal, political, and economic inequality from which the powerful profit (Ortiz and Jackey 2019; Hallett 2012). This paper has highlighted that powerful groups may also subtly enact structural violence through “everyday” public-facing discourse, such as the language of BB websites (Dijk 2005). Public discourses that simultaneously serve whilst oppressing those they purport to help noxiously perpetuate neoliberal agendas and ideologies, and ultimately, maintain a (lucrative) two-tier justice system (Page 2017).

Given the state-by-state variability of regulations of the bail industry in the US, we have necessarily conducted this first examination of BB website discourse on one randomly selected state (Texas). Consequently, we have not treated the BBW corpus, which is relatively small, as representative of all BB discourse. In future corpus-assisted BB research we would be interested to examine how the financial and legal obligations of defendants and co-signers are represented in a larger corpus of BB website pages besides the ones analysed here, as well as in terms and conditions documents. However, we believe that our findings are indicative of the broader commercial BB industry in the U.S. The significance of our study lies in its highlighting of issues inherent in the commercialisation of services offered to marginalised and vulnerable groups as a result of coercive State processes. The issues raised in our study apply to other areas of coercive State processes across multiple jurisdictions where neoliberalist policies and their implementation are rising. They will continue to do so, particularly during periods of austerity or rising inflation when governments look to reduce State costs of implementing the complex legal frameworks involved in both policing and protecting society. We see the application of this analysis across key areas of the criminal justice and social justice systems. Bail bond services, adult incarceration services, juvenile incarceration, probation, and child protection are key areas of privatisation, but we anticipate there are many other examples for which this type of analysis is applicable.

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Appendix

List of websites included in the BBW corpus (all accessed October 2020).

Text Number	Website
Text#1	http://a-affordablebail.com
Text#2	https://abetterbailbond.net/
Text#3	https://www.acebailbonddfw.com/
Text#4	https://atlasbail.com/
Text#5	https://www.awayoutbonds.com/bail-bonds-keller-tx.html
Text#6	https://www.a1bonding.net/
Text#7	http://badboybailbondservice.com
Text#8	https://dallascountybailbondstx.com/
Text#9	http://justbailbond.com/
Text#10	https://www.sunrisebailbond.com/
Text#11	https://deltabail.com/
Text#12	https://southernbailbonds.com/