

# Culture in australia's criminal justice system assignment

Law



**ASSIGN  
BUSTER**

? 4) ' Culture is always present ??? be it in courtrooms or in the mass media. It can be defined in various ways, hidden or highlighted, attributed to some people and not others. ' Critically discuss this proposition in relation to representations of crime and criminals. Culture is an ever-present element of all societies. The term ' culture' has evolved over time and continues to be used to describe various aspects of humanity such as farming, the arts, high society as well as traditions and ideological beliefs amongst different nationalities and social groups.

When describing people, culture is best defined as a living manual, of values, ideologies and other characteristics belonging to a society (CLC Materials Book, 2009). During this essay I will attempt to explore the intricacies of Australian culture whilst relating it back to the representations of crime and criminals. In addition, I will discuss the role the media plays in the portrayal of criminality and further examine the effects of culture in the criminal justice system.

Historically Australia has had close links to crime and nationalism, as it was built on a large contingent of British convicts whom were sent to Australia as a form of punishment. Though these convicts did not consider themselves Australians, but gathered together under the British banner and saw Australia as a new, improved Britain. Free of the social ill and class structure of the mother land. It was not until Australia's love affair with Ned Kelly, a larrikin bushranger who out smarted police at every turn and was seen to be an ' Aussie battler', that Australia had a folk hero to call their own.

Many see Ned Kelly as a true Australian and highly culturally significant, in fact more people could name Ned Kelly than our first Prime Minister, Sir Edmond Barton (Tranter, Bruce and Donoghue, 2008) Australian culture is a fairly new concept and can be rather allusive and difficult to highlight in society, however there have been glimpses in recent events over the last decade. According to Australia's largest flag manufacturers, Evan Evans, there has been a surge in private flag sales over the past five years (Kissane, 2006).

This would suggest that more and more people are identifying with Australian patriotism. This is more evident in the traditional, white, Anglo-Saxon Australians who are grasping for a national identity. In many cases this has created a strong bond among those whom fit the description, but it may leave others out labelling them 'un-Australian'. An example of this was the Cronulla race riot in Sydney, where typically white Australians of British decent, draped themselves in the Australian Flag and called themselves "Sons of Anzacs" (Kissane, 2006).

They used this identity to challenge the 'un-Australian' Middle Eastern youths on the beach that day, engaging in violent clashes and taunting them with racial slurs. Despite Australia being seen as a culturally diverse, tolerant, egalitarian society it appears racial tensions have been the increase in recent times. While most condemn the criminal actions of the youths in Cronulla, another culture has raised its hand to be regarded as typically Australian and that is the 'bogan'. In the past, referring to someone as a

bogan would be taken as an insult, claiming they were uneducated, lazy, dishevelled and engaged in hooning and petty crime.

However, many Australians label themselves bogans, using it as a reference to being proudly Australian. These new age bogans do not necessarily see themselves as uneducated or unhygienic, but as typical Australians, who enjoy stereotypical blue collar activities (for example: cars, barbeques and sport) (Bartolo, 2008). A Herald Sun article titled, ' Proud bogans revolt ??? City mayor scolded' was sparked by radio statements Lord Mayor Robert Doyle made directed to people he labelled as ' bogans,' stating they should remain at home rather than coming to the city violating laws and generally causing trouble.

The Kelly Ryan article spoke to several people in the city whom proudly called themselves bogans and took offence to the Robert Doyle wrath. Jesse Smith of Epping told reporters that " Bogan means being Australian, and I am proud of it. He's insulted all of us. " Other people interviewed referred to bogans being ' Aussie battlers' and other nostalgic Australian terms (Ryan, 2008). Despite the somewhat recent empowerment of the bogan, a herald sun reader poll related to the article stated that 73. % of respondents agreed with Lord Mayor Robert Doyle that bogans are bad for Melbourne (Herald Sun, 2008). Australia can be described as a ' melting pot' of different nationalities and cultures. And many see multicultural Australia as the cornerstone of the Australian lifestyle. It could be argued that divisive ' pro-Australian' groups cause more conflicts than unifying the country, and that that kind of nationalism does not fit in the Australian culture. Apart from

personal experience, the media acts as society's only source of news on crime.

Most Australians gather their information reading the Herald Sun, watching the six o'clock news on channel 9 or listening to 3aw on the radio in their cars on the way home from work. However, is it a true representation of crime in Australia? Violent crimes are given the greatest media attention due to the sharp response it receives from the community. This breeds the belief that violent crimes are more prevalent in today's society than before, creating moral panic. The media may present the 'news' to the people though this is not free from bias.

As some cultures seem to be represented in a more negative light than others. Many Aboriginals feel they are often victimised in the media as portrayed in a negative manner. Muriel Bamblett's article in The Age centred on this point. She felt that there is a clear racial bias in the media, and indigenous Australians are constantly attacked and ridiculed (Bamblett, 2006). Muriel Bamblett attributes most of the problems facing the Aboriginal people have come from the pressure to assimilate. In the past, Governments have seen assimilation as the answer to integrating Aboriginal people into the wider community.

This was the reason behind the Stolen Generation which saw thousands of Indigenous children taken from their homes and placed into the care of white Australians in a bid to change their culture. However this practice clearly caused more harm than good and saw generations of aboriginals traumatised by the experience. It is no surprise that many of the social ills

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facing the aboriginal people today are being blamed on these actions. Different cultures have different experiences within the criminal justice system.

In America it is common for a Black male to be stopped in the street and searched purely on the grounds of race and sex, regardless of the race or sex of the police (Karstedt, 2001). Similarly, Aboriginals in Australia face cultural targeting by police. In the regional Victorian town of Mildura, Paul Carter, who was of Aboriginal decent was picked up by police in order to transport him home from his ex-girlfriends home as he was highly intoxicated and effected by petrol sniffing. Carter went peacefully but along the journey called for the police to drop him off earlier so he could clear his head with the walk along a major highway.

Shortly after being dropped off Carter was struck by a truck and killed on that same highway. The police maintained they were only respecting his wishes, however following a Coroners report, many similar cases had been identified of Aboriginal men being dropped off outside the city; and between the years 2003-04 Mildura police processed more Aboriginal men then anywhere else in Victoria (Wynhausen, 2008). When considering the population, there are much higher percentages of Aboriginal men in jail in Australia then those of a white background.

Many would argue that this has much more to do with the close police attention rather than the criminal nature of their culture. However culture is not always a burden for defendants in the criminal justice system. Their culture is sometimes taken into account during sentencing, where a more

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lenient sanction may be dealt due to the hardship of their upbringing be it racially relevant or more the case of coming from a low socio-economic background, being subject to violent crimes and harsh reality of poverty.

Culture is a truly fluid term, which permeates through all of society. It is true that the basis of ones culture may have either positive or negative effects on their lives, be it through the media, the criminal justice system or even in their daily lives in Australia. Everyone is subject to classification and stereotyping, although unfortunate, this form of social divide is unavoidable.

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