Title page

Justice, social control and inequality

Introduction

Jury’s decision in Elijah Doughtry’s case (2017) is the representation of social injustice and inequality faced by the indigenous populations in Australia. The driver who was guilty of manslaughter was convicted of the lesser charge in the form of a 3-years jail sentence. The driver was a white male of 56 years age and involved in the fatal traffic collision causing death of Elijah. The court's decision caused rage and anger in aboriginal community because they were expecting a fair decision. Elijah at the age of 14 years lost his life due to the accident (Menagh & Tomlin, 2017). The decision had led indigenous people extremely angry and disappointed. Aboriginals expressed their dissatisfaction through marches and protests. The driver was responsible for the killing because he himself admitted that he was driving dangerously. However, the jury chose a lesser charge which reflects unfair policies for the indigenous populations. The case highlights the injustices that aboriginals suffered throughout Australian history. It also proves that the conditions of indigenous populations have not changed. Privileges received by the white Australians have essentially contributed to social injustice, lack of social control and inequality.

Literature

Literature is available that confirms the struggles of aboriginals against unfair laws and policies of Australia. Significant researches exist that proves that the number of aboriginals is increasing in jails because they are imprisoned for longer durations than the whites. An increase of 37% in indigenous imprisonment rates was reported in 2008 (Fitzgerald, 2009). The facts also reveal that the imprisonment rates of aboriginals people in Australia were 14 times higher than non-aboriginals in 2011 (ABS, 2011). Numerous studies have argued that the state of Australia is not protecting aboriginal rights adequately. The Racial Discrimination Act (1975) was developed to promote equality and remove any kind of discrimination faced by minority populations in Australia. Several cases and events prove that aboriginals are still struggling for their basic rights in the country that reflects strong influence of racism (Cronin, 2017).

Critical Race Theory (CRT) is used for studying the differences in the role of a justice system based on racial and discriminatory ideology. The paper utilizes the Critical Race Theory of Richard Delgado and Jean Stefancic to assess the prevalence of racial subjugation in Oates fiction. The Critical Race Theory (CRT) is effective for understanding how relationships transform under influences of race and power. To analyze the prevalence of racism and social inequalities, the theory emphasizes on issues of civil rights and ethnic discourses. It is helpful in understanding how real-life events contributed to racism and discrimination. CRT theory focuses on equality theory and legal reasoning that highlights the causes of racism (Bailey & Hunt, 2012). The theory is effective in understanding the social situations and political factors contributing towards promotion of racism. CTR emerged in the mid-1970s when the scholars attempted to study the impacts of social factors on race and black-white relationships. Popular writers on racism, including Frederick Douglas and W.E.B Du Bois also incorporated critical rate theory to criticize the existence of racial inequalities and discrimination in American culture. The theory is effective in explaining the how society constructs the social roles of blacks and whites (Delgado & Stefancic, 2001). Norman Fairclou (2003) also used critical discourse for understanding the factors that contributes to different behaviour towards people depending on race. Reinforcement of dominance is the prominnet factor that leads to discriminatory attitudes towards minority populations.

Critical race theory can be applied to understand the lack of inequality in the justice system for the minority populations. Changing these attitudes require changing the stereotypical mindsets of the whites or dominant race (Cronin, 2017). Indigenous populations in Australia have always fought for equal rights. Evidence suggests that “the campaign for Indigenous rights was one important movement in the decade of social revolution throughout the world, which played out on the streets and the small screen in living rooms throughout Australia, the United States, Canada, New Zealand, and South Africa" (Waller & McCallum 2018).

Policy argument

The argument claims that aboriginal customary laws must be allowed in tribal areas of aboriginals and Torre Islanders. The policy argument states that the Australian justice system has failed to offer equal justice to the indigenous populations including aboriginals and Torre Islanders. There has been argument that the significant rise in the imprisonments of the aboriginals and adoption of strict punishments. Lesser charges against whites for dangerous crimes reflects an unjust criminal system. Aboriginals and Torre Islanders undergo high levels of social inequality and injustice that impacts their lives and minimize opportunities of growth. Minority populations are over represented in the criminal justice system (Menagh & Tomlin, 2017). Several factors have contributed to the promotion of these differences such as media’s role in representing aboriginals as violent (Bailey & Hunt, 2012).

Aboriginal customary law states, "the body of rules, customs and traditions of an Aboriginal society that established standards of behaviour to be followed by the members of that society and recognized by them. In Milirrpum v Nabalco Pty Ltd (1971) 17 FLR 141 Blackburn J found ‘a subtle and elaborate system highly adapted to the country in which the people led their lives, which provided a stable order of society and was remarkably free from the vagaries of personal whim or influence. If ever a system could be called a government of laws, and not of men” (ALRC, 2010). The current law has failed to offer protection or security to the minority population so it leads to consideration of implementing customary laws.

The Laws of NTLRC also claims that aboriginals have rights in Australia but these are hardly implemented. Racial profiling is common among police officers because they are convinced to adopt a discriminatory treatment towards aboriginals and Torre Islanders. The encounter of aboriginals and Torre Islanders with the police also exhibits that the officers are inclined to use force more often that again portray social inequality (Cronin, 2017).

Policy changes

The analysis of the current situation depicts that aboriginals and Torre Islanders are lacking social security as evident through the case of Elijah. There is need for revising the criminal policy that treats all offenders equally irrespective of their race or color. Similar there is bias in the criminal justice system because aboriginals are most likely to receive longer imprisonments against non-violent crimes compared to the whites who receive less harsh punishments even against violent and serious crimes (Liddle, 2017). The changes in the policy emphasize on teaching the values and skills to the police officers for avoiding aggressive practices or discriminatory behaviours against aboriginals or Torre Islanders. The policy by focusing on enhanced training will play an effective role by assisting on developing essential skills that will allow them to avoid bias during their interaction with the offenders or suspects (Bennett, Redfern, & Zubrzycki, 2018).

A common policy measure that can be adopted by the Australian state is Justice Reinvestment which suggests that justice can be improved by reducing rates of incarnation and offending. However the emphasis of the policy is on treating the aboriginal and white offenders in the same way. The policy should work on providing adequate protection to the minority population such as by giving strict punishments to the white Australians who use violence or kill minority population (Liddle, 2017).

The policies of assimilation will promote the vision that aboriginals have equal rights to life as white Australians. These measures assure that aboriginals and Torre Islanders will receive same rights as other Australians without any discrimination. Education and training programs for the officers will be an effective tool for changing their approach or perspective towards racism. Strict punishments can be adopted for officers that use violence over aboriginals such as fines, penalties or removal from duty (Bilson et al., 2015).

Establishment of a sustainable collaborative relationship between aboriginals and social workers will also play positive role in improving the status of minority populations. By engaging social workers and welfare services the state will manage to offer better protection and support to these populations. This requires building culturally responsive pedagogical framework in which culturally responsive training is provided to the officers (Bessarab, 2015).

Conclusion

The central argument claims that aboriginals and Torre Islanders lack adequate protection from the Australian justice system due to the prevalence of racial attitudes. The case of Elijah is a clear depiction of how minority population in Australia is struggling for the right to equal protection and justice. Unequal system prevails in the country because whites are receiving lesser charge against serious crimes while aboriginals receive higher charge for non-violent crime. This indicates the need for improving the policy that would be able to offer equal justice to the aboriginals and Torre Islanders. Teaching the values and skills to the police officers for avoiding aggressive practices, charging high penalties and termination from job are common measures for improving policy.

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