

*An Introduction to Crime & Punishment*

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**Abstract.** Few scholars of Australian history need reminding that Colonial Australia began as a British prison. The detrimental effect these origins had, and arguably still have, on Indigenous Australia is unambiguous. The extent to which this brutal background shaped the modern nation merits re-evaluation. In this issue of *Coolabah*, we aim to extrapolate and explore the links stretching from the First Fleet, and assess how much of a role this past plays in the building of the modern Australian nation.

**Keywords:** Australian colonisation; convict colony; Indigenous displacement; Indigenous genocide; re-evaluation of the past.

Few scholars of Australian history need reminding that Colonial Australia began as a British prison. The detrimental effect these origins had, and arguably still have, on Indigenous Australia is unambiguous. From 1788 well into the following century, Australian society was divided into convicts versus guards, coves and whores versus their keepers, criminals versus State, executed and executioner with the Indigenous population swept to the side lines. The sinews which link all Australians to this past, some of us by blood, all of us historically, arguably have left a mark on the modern country - a stain. The extent to which this brutal background shaped the modern nation merits re-evaluation.

In this issue of *Coolabah*, we aim to extrapolate and explore the links stretching from the First Fleet, the Ticket-of-Leave men, bushrangers, Female Factories, larrikins and wowsers to contemporary Australians. How much of a role does our past play?

How do we treat our convicted, our criminals? How are they portrayed in modern Australia? Are they surreptitiously revered by society and the media? Are their voices heard? Should they be? As a society are we too keen to lock up miscreants, local and foreign?

How does Australian media report on crime? Is it sensationalised for ratings, for a ghoulish gratification, or can it serve a community service?

How has crime, criminal identities and law enforcement been portrayed in Australian written fiction, TV and cinema? Has it been glorified? Idealised? Why are crime TV series and movies popular? Why is the sheep stealing fugitive swagman of *Waltzing Matilda*, arguably Australia's "people's" anthem, still revered? Why the prominence of Ned Kelly, Chopper Reid *et al* in our national narrative?

In *Ghosting in the Outback Noir* Dolgopolov offers a critique of cinema in that unique Australian genre together with the role of the ghost of the jolly Swagman of *Waltzing Matilda*. Dolgopolov examines the phantasmal hauntings of Australia's most famous vagrant, not always so 'jolly' as the name suggests. He is a dark figure, from the shadows, but has redemption in his death. The jolly swagman, Dolgopolov argues, may have been in our national consciousness all this while, not alone but accompanied with Indigenous characters who too have been shunned, imprisoned, destroyed or silenced. With the recent wave of Outback Noir films, their time has come again - often with a vengeance.

In 1997 I visited Perth for the first time. It was a city under siege - king-hit, as Romano the author of *Enigma of the Dark: Reflections while Researching Journalism and the Claremont Serial Killings* puts it, by a menace it couldn't see. A serial killer was on the prowl, murdering young women in the middle-class seaside suburb where I was staying with friends. Ironically as an outsider, I was perceived as one of few men who could be trusted not to be the killer. Romano herself was in the murderer's geographic range and demographic at that time. It took twenty-five years to catch and convict the killer and Romano's article sheds light on complex dynamics in and around the journalistic practices which sensationalised and exploited the tragedies. The article describes how the term 'serial killer' became almost a badge of honour for Western Australian news services; how the status and financial clout of a victim's family influenced media coverage and invigorated the police investigation; and, how the position of a journalist as an unbiased observer became untenable.

In *Crime, Punishment, and Death: Reading Finitude and the Self in David Malouf's 'The Conversations at Curlow Creek'*, C. L. Thakur explores a novel which is more than an accurate historical representation of Convict Australia, it depicts the transformation of an official

executioner while he is conversing with the condemned before execution. The essay argues that a realization of inevitable mortality, of facing certain death characterizes this change in the executioner's nature and worldview. It concludes by suggesting that his acceptance of his own inevitable death, not only subverts the administration of capital punishment to convicts in colonial Australia but also indicates the limits of polarized identity politics that shapes the country in the present times.

Smith's poetry asks questions of crime and punishment from the victims' and perpetrators' perspectives. In *Mugs* an easy victim reflects on the burglar of his house. Can one empathise with the plight of their burglar? Or should vindictiveness be the only solution? In *Rehabilitation* a former prisoner returns to his prison, converted into gentrified townhouses. Smith asks, can the ghosts of our past ever be expunged? Is rehabilitation truly possible? In *Stitched Up* the boredom, inanity, banality, and a soft pain of prison life is exposed.

Finally, the plight of refugees and people seeking asylum in Australia is well known. Often remanded in pre-asylum detention, community groups such as the Ballina Region for Refugees offer a window of support to refugees and asylum seekers both in Australia and offshore. The 2020 Ballina Region for Refugees Poetry Prize theme was *Seeking Asylum—Holding Patterns*. This collection presents the winning and highly commended poems, along with poems by refugee and asylum seeker poets whose lives are often on hold, on standby, waiting for release.

**Lorne Walker-Nolan** was a prosecution lawyer for the Northern Territory, Victorian and Australian governments. He now lectures at ESADE School of Law, Universitat Abat Oliba, and Universitat Autònoma de Barcelona. He is a member of the University of Barcelona's Centre for Australian and Transnational Studies, and has guest-edited this *Coolabah* issue 29.