

Going bunta on Western law

Violent jurisdictions, melodrama and the Australian carceral imaginary in *Wentworth*

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Introduction

Kaz Proctor: I know what you've done. Justice is coming.

Joan Ferguson: I'll put the kettle on.¹

Representing a uniquely Australian carceral imaginary, the long-running Australian television show *Prisoner* (1979–86)² and its contemporary reimagining, *Wentworth* (2013–),³ have attracted large audiences and grown dedicated fanbases worldwide. This chapter explores the phenomenon of these popular Australian carceral imaginaries through a reading of *Wentworth*, arguing that the series stages a radical theory of law that takes on the Western liberal legal imaginary and that viewers, in their passionate engagement with the series, are in part responding to its unique take on questions of power, authority and legitimacy. Taking as a starting point the axiom that state law is never the only law operating in a particular context, we argue that *Wentworth* has worldwide traction partly because the show explicitly stages various iterations of legal pluralities and their outcomes to demonstrate the failure of state law to provide justice.

Like *Prisoner*, *Wentworth* foregrounds urgent questions of lawfulness and justice. This foregrounding is particularly compelling because these questions of law and justice are examined from radical, marginalized positions (gendered, raced, queered).⁴ *Wentworth* departs from *Prisoner* in the show's multiple narratives of complicity that, we argue, thematize the impossibility of escaping violence within the inherently compromised and compromising legacies of colonial pasts and neoliberal modernities. This chapter argues that Australia's particular carceral imaginary, which follows Western traditions of representing hell and underworld narratives, allows a perverse articulation of legal pluralities that are uniquely Australian, while also being of allegorical significance globally.

Wentworth is critically acclaimed and, like its predecessor,⁵ popular both domestically and internationally. The show has been sold to 141 countries, remade in 4 countries and, despite being a pay television show (through the subscription-based Australian Foxtel network), won Most Outstanding Drama at both the 2015

and 2018 Logie Awards as well as Most Popular Drama in 2018. *Wentworth* is set in a corrections facility of the same name in modern-day Australia. Although it is an ensemble show, the first four seasons of the show focus on, and are largely focalized through, the character of Bea Smith (Danielle Cormack)⁶ as a central protagonist. The first episode of Season 1, ‘No Place Like Home’, follows protagonist Bea into the correctional centre after her attempted murder of her abusive husband, Harry.⁷ The series opens with Bea in a prison van, about to enter prison on remand after being charged. We are with her as her life on the outside ends dramatically and suddenly and the world of the prison opens up before her. Bea is an Australian ‘everywoman’ – a suburban hairdresser, a wife, a mother, a working-class battler. It is through her viewpoint that the viewer encounters the structural violence of the prison and the wider socio-legal violence it reflects. Like Bea, most of the other characters are either victims of violence and structural injustices that are not recognized by the state, or their vulnerability exposes them to further state violence. As with *Prisoner*,⁸ law and violence are explicit themes of *Wentworth*, as are questions of authority. Bea’s story arc towards her position as a corrupted ‘top dog’ explores how she maintains her extra-legal power and how and when her violence is justified to maintain this authority (particularly when it is in direct conflict with the legal authority of the governor). The prison has two separate and competing jurisdictions: the extra-legal jurisdiction of the inmates and the legal jurisdiction of the governor. The show uses this legal plurality to critique neoliberal state law and rehearse a series of juridical alternatives. The show’s claims about law and violence are particular to the perverse and compromised agency that emerges from the Australian carceral imaginary.

With its history as a destination for convict transportation, Australia’s carceral aspect in the popular imaginary is obvious. However, it is not a case of history creating fiction. The imagination of Australia as a carceral space preceded the historical fact of transportation by many centuries. As a point of collision between classical and Judeo-Christian cosmologies and geographic reality, the antipodes straddle the threshold of imaginary and real spaces.⁹ The colonial establishment of the antipodean penal colonies was a manifestation of an older imaginary that equated the bottom of the Earth with hell – a legacy of the pre-Copernican vertical cosmology. Because of their location between these real and imaginary worlds, the antipodes have a relation of proximity to European classical and biblical underworlds: the vertical cosmology of heaven, Earth and hell is superimposed over the globe, and the antipodes and hell share the same position. The choice of the antipodean location as a repository for England’s criminals was partly indebted to an imaginary that associated the antipodes with hell – an infernal space of despair and punishment. This is evidenced by pre-modern cosmologies, cartographies and a literary tradition that extends from Dante’s inferno to antipodean utopias and dystopias – for example, *Gulliver’s Travels* begins, ‘Northwest of *Van Diemen’s Land*’ with the protagonist incarcerated.¹⁰

The convict transportation to Van Diemen’s Land is perhaps the most extreme and literal example of the transposition of association between the antipodes and

hell as prison. As Irish Nationalist John Mitchel (1815–1875), who was held in Van Diemen’s Land from 1850 to 1853, wrote in his prison journals that the island was ‘Dante’s Tartarean vision’ made real.¹¹ As hell on Earth, the penal colony of Van Diemen’s Land is a manifestation of pre-modern antipodean metaphors. The Australian penal colonies are explicitly figured as hell in Marcus Clarke’s famous novel *For the Term of His Natural Life*. Van Diemen’s Land is a ‘pit of torment . . . so deep that one could not even see heaven’,¹² Port Arthur is ‘a den of horrors’,¹³ ‘a deep into which the eye of Heaven did not penetrate’,¹⁴ echoing with the ‘never ceasing clashing of irons and the eternal click of hammers’.¹⁵

Wentworth implicitly recalls the power of Australia’s infernal carceral imaginary, not only through the logic of its narrative but also through its aesthetics. With its cold chromatic colour scheme and claustrophobic camera angles, the experience of watching *Wentworth* is itself nightmarishly carceral. The consistent use of blues and greens in the filters, lighting and *mise en scène* makes Wentworth Prison a Hades. Visually similar to other contemporary dystopian series such as *The Handmaid’s Tale*¹⁶ and *Westworld*,¹⁷ in which the hopelessness of the central characters is emphasized, in *Wentworth* blue filters are applied to both interior and exterior scenes to create a bleak underworld. The sets and costumes also use a blue palette, with the outdoor and indoor walls painted a shade similar to that of the teal tracksuits worn by the inmates, a chromatography that renders the prison cold and Tartarean. *Wentworth* is also firmly placed within the aesthetic and narrative traditions of the Australian carceral underworlds as the plot follows a katabasis, or descent narrative, structure.

In literary criticism, ‘katabasis’ is the term used to describe a narrative journey to the underworld. Conventionally, katabasis narratives follow a progression of descent (katabasis), inversion and ascent (anabasis). For example, in Dante’s *Inferno* – perhaps the most famous katabasis plot – Dante descends further and further into hell, until he reaches Satan. From here, they continue to travel in a direction that Dante believes to be down until they reach the centre of the world. He then finds himself climbing up, and he and Satan emerge finally (at the Earth’s antipodes) to see the stars. In *Hell in Contemporary Literature*, Rachel Falconer argues that this tripartite narrative structure functions as a means of unmaking and remaking subjectivity; from the second half of the 20th century, Western literary representations of hell have largely functioned as a space where the subject is unmade and reborn.¹⁸ *Wentworth* is a katabasis narrative in the sense that the first four seasons of the show chart Bea Smith’s journey further and further into the underworld, but while *Wentworth* follows the descent and inversion movement of a katabasis narrative, there is no anabasis or ascent in terms of escape from the carceral hell. Bea moves further and further into the hell of *Wentworth*, earning additional sentences of 12 years for the murder of crime matriarch Jacqueline Holt (Kris McQuade)¹⁹ and then life for the murder of Holt’s son, Brayden.²⁰ While *Wentworth* follows a narrative tradition of katabasis, it also departs from the convention of katabasis narratives as the protagonist never escapes the underworld. Bea does, however, undergo a mini-ascent within the world of *Wentworth*

as she becomes self-realized and socially powerful until she is literally at the top of the prison hierarchy as ‘top dog’. Bea overturns the corrupt regime of sadistic Governor Joan ‘the Freak’ Ferguson (Pamela Rabe), and the carceral underworld of Wentworth offers similar over-turning and progressions for other characters thematized as a victory of their ‘agency’.

In many ways, the Australian carceral underworld in *Wentworth* operates paradoxically as a space of agency, where most main characters undergo a transformation towards power and/or self-sufficiency, in contrast to their positions of powerlessness in ‘outside’ world narratives of liberal law and mainstream society. Wentworth is a ‘corrections’ facility,²¹ designed to rehabilitate prisoners from ‘criminal’ to ‘productive’; however, this linear progression is not the transformation that is emphasized in *Wentworth*. Rather, the carceral is a space in which more interesting and violent structural reversals occur: criminals are heroes; the normally marginalized voices of women, queers, working-class women and women of colour are foregrounded; and formal language is overturned through idiom, profanity and humour – as in the inmates’ use of the nickname ‘Vinegar Tits’²² for deputy governor Vera Bennett (Kate Atkinson), for example. The structural violence of the patriarchy, particularly the normalization of certain kinds of domestic and emotional labour, creates perverse sites of agency, as do such articles of domestic machinery as the steam press, the kettle and the sewing machine, which all become instruments of torture used by the inmates to uphold their own law and maintain their power.

By remaining in the compromised space of the carceral underworld, *Wentworth* explicitly draws attention to and rehearses different versions of the violence that maintains law. *Wentworth* is based in realism, and most characters are unremarkable everywoman figures: their lives are circumscribed by both lawful and lawless violence. *Wentworth* draws attention to structural violence and the complicity of liberal law in these structures, but there is no outside to violence – the only ‘way out’ is death or to be moved to solitary confinement, which constitutes social and mental death. The women are victims of violence, but they are not innocent. Every character is compromised by and complicit in the violence that establishes and maintains prison law – which is also the colonial condition – and the agency and power they have individually and collectively is created and maintained through violence. As Franky Doyle (Nicole da Silva) says of Wentworth Corrections Centre, ‘Innocent person? Do we even have any of those?’²³ Within this compromised and inescapable space of complicity, the spectre of ‘justice’ remains, and it is the question of justice, phrased by the show as ‘How and when is violence justified?’, that propels the narrative of *Wentworth*.

Legal authority and violence

You don’t run this prison, I do.²⁴

The show uses the legal plurality of the prison to critique neoliberal state law and rehearse a series of alternatives, and the show’s claims about law and violence

are particular to the perverse and compromised agency that emerges from the Australian carceral imaginary. Like its predecessor, *Prisoner*, *Wentworth* makes strong claims about what is lawful and what is unlawful violence, and through the adjudication of this violence asserts new sites of law-making – new jurisdictions. Both shows are examples of pop culture as sites in which law is made, not just reflected and critiqued – pop culture as a site where the collective zeitgeist is thinking through questions such as: What is lawful violence? What is the role of violence in groups asserting their authority? What is legitimate authority in these circumstances?

At key points in *Wentworth*, Bea commits violent acts that she asserts are lawful, and these are the points at which she asserts or reasserts her role as lawful leader. In this way, Bea is asserting a jurisdiction – an authority to adjudicate – over certain harms that liberal law has failed to adjudicate. These include attempting to kill her abusive husband after a long history of his beatings that went unpunished and were even unregistered by liberal law. Her two subsequent murders are also motivated by justice and the rationale of proportionality (what is ‘right’). Liberal law fails to recognize so much violence – gendered violence and violence to queer people especially. The harms termed ‘domestic violence’ are harms that our law and culture have problems even narrating well. Liberal law has proven completely inadequate in adjudicating the violence committed by men towards women, and this violence has mostly been invisible, quotidian and unremarkable, except when it arises under prescribed circumstances and can be crafted into a specific ‘event’ under liberal law, which operates within the genre of aggressive realism²⁵ because law asserts that it has an exclusive and unmediated access to the truth. This is particularly the case in Australian law, which has repeatedly denied any form of legal pluralism that would acknowledge continuing Aboriginal sovereignty and law over the territory. In fact, we exist within multiple pluralities, but this is not acknowledged by state law. *Wentworth* self-consciously thematizes its status as representation and employs a number of genres to communicate a legally plural universe. There is liberal, state law, but there is also the legal world of the prisoners, and these two legalities are self-consciously navigated.

Wentworth shows many examples in which the ‘victims’ of violence that liberal law fails to adjudicate in turn assert their own jurisdictions and judgments, with ‘justice’ becoming a key term for the prisoners. For example, in Season 2, Maxine Conway (Socrates Otto) stabs her boyfriend with scissors after he cuts her hair.²⁶ Liberal law would not recognize the extent of the violence committed against Maxine, a trans woman, when her boyfriend ‘merely cuts her hair’, so Maxine asserts her own jurisdiction. In these ways, *Wentworth* (like movements such as #MeToo) is theorizing law, making law, setting loose into the collective imaginary new genres, narratives and tropes for the adjudication of gendered/queer violence.

Justice is an overt theme of *Wentworth*, and the show uses the carceral space to critique liberal law and to imagine, theorize and test alternate legalities. *Wentworth* is also theorizing law in the context of the limited ways by which liberal law imagines identities, relationships and communities. *Wentworth* sees liberal

law for what it is: a mythical promise of equality, fraternity and justice that arose out of the historical specificity of the Enlightenment and its historically specific violent practices of colonialism, racism and sexism. These violent practices cannot be separated out. Liberal law pretends that its justice is ahistorical and eternal and that only its inequalities are historically specific and temporary and can be incrementally reformed out when, in fact, its justice is specifically produced, and its inequalities are ‘eternal’. Legal pluralism in *Wentworth* critiques these failures and theorizes alternative models of law-making and authority.

Legal pluralism: beyond liberal law

Liz: Oh, you know the panic button by the front door?

Bea: Yeah.

Liz: Don’t ever press it.²⁷

Liberal law is an historically specific law, and it is a form of authority that uses violence to assert jurisdiction – violence is innate to its operation (it has its own delineation of lawful/unlawful violence, and its authority turns on these points of interpretation). *Wentworth* is obsessed with the relation of violence to jurisdiction and how this relation produces legal pluralism. The show clearly represents legal pluralism in action and explores the way negotiations between the two legal authorities take place. There are two jurisdictions that are acknowledged by the governors/screws and prisoners alike: one led by the governor and one dictated by the ‘top dog’, with the two leaders often meeting to negotiate. The significance of the rule of ‘no lagging’ is jurisdictional. The ‘top dog’ adjudicates the violence/harms of the prisoners. To lag is to defy that jurisdiction and to end the legal pluralism.

Wentworth stages a spectrum of legal authorities through the different ruling regimes that are asserted by each ‘top dog’. Jacqueline ‘Jacs’ Holt, Franky Doyle, Bea Smith, Kaz Proctor (Tammy MacIntosh) and the Freak all enact a different theory of law through the specific ways in which they use violence to enforce the internal laws of the prison. *Wentworth*’s internal laws are those established among the inmates, such as not lagging and never pressing the panic button. Most violence in *Wentworth* is lawful in terms of the internal laws, and the transgression of these laws is coded as either abject (‘Juicy’ Lucy Gambaro, because her unlawful violence is chaotic and based on pleasure) or evil (the Freak, because her unlawful violence is sadistic and Machiavellian). Each ‘top dog’ has a unique regime grounded in a particular administration of violence. In Season 1, gangster matriarch Jacqueline Holt deploys violence tyrannically to shore up her personal power inside and outside the prison. Once Bea murders Jacs, Franky Doyle takes over. While Franky takes more of an interest in the welfare of the women than Jacs, her use of violence is effectively identical to that of Jacs as she tries to maintain power to protect herself from rivals and maximize the profit of her drug trade. When Bea takes over in Season 3, she articulates

an authority that is in the best interests of the women – including an anti-drugs position. She asserts the necessity of lawful violence in running ‘her’ prison and upholds the established law of ‘no lagging’. The nature of legitimate authority is central to Season 4 because Bea’s use of violence to maintain law has unjust outcomes, and Kaz Proctor’s position is that women should not commit violence against women. Kaz’s assertion of feminist democratic rule (for example, the idea that the women are entitled to their right to be ‘kept safe’ by using the panic button) misses the point that who gets to adjudicate violence is key to who gets jurisdiction over the women. Kaz’s philosophy introduces a social chaos to the prison and enables Bea’s key rivals, Tina Mercado and the Freak, to undermine her position. Destabilized by the appeal of Kaz’s ideology among the women, Bea is caught in a bind in which, even if the use of violence were unjust, not enacting violence as punishment would cede her authority in that she would be asserting her rival’s position. Of course, this bind results in an unjust outcome as Bea’s infliction of violence as punishment upon the new young inmate Tasha for pressing the panic button leads to Tasha’s attempted suicide.²⁸ It is here that the Freak is able to manipulate Bea’s friends Boomer and Doreen to undermine her authority on the basis of the injustice of Bea’s rule. Once Bea is forced into breaking the internal law herself (by lagging), she cannot lead and, due in part to Kaz’s destabilization of the prison’s internal laws, is murdered by the Freak.²⁹ By Season 6, Kaz acknowledges the failure of her feminist vision of democracy/equality and asserts her leadership through violence, trading the steam press for the sewing machine as her instrument of punishment/violent jurisdiction.³⁰ She realizes that, in the context of the liberal legal framework in which she is forced to engage, there is no other way.

The significance of genre to *Wentworth’s* legal argument

Wentworth positions itself as fundamentally concerned with questions of law, not only at the level of narrative but also through genre. The genre arcs of each season are themselves an important part of *Wentworth’s* argument. Each season moves from social/legal realism to melodrama and then to sublime endings that draw on tragedy and Gothic horror. The sublime endings each contain moments of both justice and injustice: at the end of the first season, Bea’s murder of Jacs Holt;³¹ at the end of the second season, Bea’s murder of Jacs’ son, Braydon;³² the Freak’s killing of Jess Warner at the end of Season 3 and the Gothic fire that burns down half of *Wentworth*;³³ Bea’s death at the end of Season 4,³⁴ which is simultaneously a tragedy and an act of justice (Bea sacrifices her life to keep the Freak in jail); and the Gothic ending of Season 5, in which Frankie and the Freak escape in coffin-like boxes, and the Freak is buried alive.³⁵ One question is how law-making maps onto genre: the movement from social realism to melodrama to the sublime of Greek tragedy and Gothic horror. Each season finale is the peak moment in which the questions of justice raised across that season are answered. In each,

we see a radical departure from realism. Then we move back to social realism by the beginning of the next season, and with this shift comes a new set of judicial questions. The show's genre of justice is not liberal law's genre, nor is it law's aggressive realism. The possibility of justice, it is suggested, can only be communicated through a radical departure from liberal law's terms of representation. By radically departing from realism, *Wentworth* argues against the acceptance of neoliberal law and liberal law's lie that justice will follow incrementally through more of the same.

As 'modernity's dominant aesthetic form', melodrama 'subtends pervasive cultural narratives reflecting and modelling the modern self from the Enlightenment to the contemporary era' and registers the modern subject's (secular) 'longings for an impossible escape'.³⁶ Although melodrama has been regarded by many as a conservative genre that tends to reinforce dominant cultures and forms, Monique Rooney argues that this argument ignores melodrama's 'endurance as an aesthetic category that has mutated as it has migrated across time and space', its 'disruptive elements' and 'unpredictability'.³⁷ As a colonial melodrama set inside a women's prison, *Wentworth* inhabits the agency and creative potential of marginal figures – the criminal, the colonial, the feminine and the queer – to disassemble the Western legal imaginary.

The use of music and the generic possibilities of melodrama as a composite type of storytelling in *Wentworth* are central to the show's assertion of the multiplicity of subjectivity, relationality and law. Popular songs of the late 20th century and early 21st century are key to *Wentworth*'s development of character and theme via the generic possibilities of melodrama. Crucially, in the first episode of each season, a montage of the key characters is set to a song that sets the tone, themes and major conflicts for that season. In 'No Place Like Home',³⁸ the first episode of Season 1, *Prisoner*'s theme song, 'On the Inside' (Lynne Hamilton),³⁹ sung intradiegetically by Season 1's villain Jacqueline Holt, both melancholically draws a connection between *Prisoner* and *Wentworth* and ironically marks the show's distance from it in terms of its bleak violence and hopelessness. In 'Born Again',⁴⁰ the first episode of Season 2, Gotye's 'Heart's a Mess' (covered by Missy Higgins)⁴¹ underscores the destructive chaos of both Joan 'the Freak' Ferguson's governorship and Bea Smith's obsession with revenge. In 'The Governor's Pleasure',⁴² the first episode of Season 3, Imagine Dragons's 'Radioactive'⁴³ sets up the showdown between Bea and the Freak. In 'First Blood',⁴⁴ the first episode of Season 4, the Divinyls' 'Pleasure and Pain'⁴⁵ echoes Bea's despair and exhaustion, and finally, in 'Scars',⁴⁶ the first episode of Season 5, 'Laura' by Bat for Lashes⁴⁷ marks the loss of Bea and the effects of her death on the prison. In her reading of Elizabeth Jolley's novel *The Well*, Rooney draws a connection between Australian melodrama and the Enlightenment melodrama of Rousseau and his move towards a heterogeneous form by 'call[ing] attention to the discrete features of his *mélodrame*'s constituent parts and, in doing so, to offset what he saw as the totalizing effects of French opera's over reliance on

harmony'.⁴⁸ As drama interspersed with songs, melodrama is the genre of heterogeneity and foregrounds disparate parts that both reflect and technically produce the multiple identities and legalities emphasized by *Wentworth*. Drawing attention to melodrama's mythic origins, Rooney argues further that melodrama is a genre of metamorphosis and describes the Australian carceral imaginary of *The Well* as 'an encrypted imaginary that nevertheless animates [a] fascination with terrestrial death and sub-terrestrial life and its corresponding depiction of a human will to closure or burial that is conditional to a will to transfer, transform and renew'.⁴⁹ In *Wentworth*, this tension between the will to closure or burial and transformation resolves tragically as justice is ultimately impossible under the terms of liberal law.

The power of 'Seeing Red', the Season 4 finale, lies not only in the tragedy of Bea's death, but also in the tragic spectacle of the impossibility of justice in the structure of liberal law. While Bea achieves retributive justice against Jacs, Braydon and the Freak, it is at the expense of the loss of her own meaningful life as each act of revenge yields further prison sentences for Bea. Bea's death in Season 4 occurs because she cannot, in the end, achieve justice/retribution against the Freak, or even contain the harm the Freak threatens, within the wider framework of liberal law. Liberal law and the structural violence of gender and class that liberal law supports are too immense for Bea to fight, and throughout Season 4, we see Bea's despair, suicidality and self-harm. Bea is worn down by the particular violence of the prison and the more general, insidious violence of legal/social systems. Bea also can't, in the end, outsmart the Freak, who is a psychopath, but also an educated, upper middle-class woman. The Freak's class is thematized through her clothing, her hobby of fencing and her obsession with opera and classical music. She can afford the best QCs and use liberal legal processes to her tactical advantage, whereas the other prisoners are left with an under-funded legal aid service. In 'Plan Bea', Episode 8 of Season 4, as the Freak prepares to (unsuccessfully) drown Bea, she tells her (and the viewer) that she is really giving Bea a merciful death, preventing a long and meaningless life behind bars: 'There are only two ways in prison to die, Bea. You can fall victim to an attack, left to bleed in some filthy corner, or, far worse – you could grow old . . . your legacy forgotten, just vomiting yourself to death in a barren cell'⁵⁰. There is truth in what the Freak says, and this statement reframes what is happening: there's the particular, heightened and obvious violence that takes place within the prison, but the Freak articulates her actions according to the structural violence within/without, which is not as obvious and yet so much more determinative. Even though Bea finally ensures via her own suicide that the Freak remains in prison for murder – her last words are 'I win' – Bea cannot escape her own structural incarceration. Within this larger framework, the injustice of Bea's position arises because liberal law has failed to hold violent men accountable for violence against women, provoking the violence against Harry that landed Bea in prison in the first place.

Conclusion

Now I know a place called hell
 'Wentworth (You Don't Know Me)' by Pleasantville
 (Wentworth theme song)⁵¹

Hell is a hopeless place. As the words inscribed above the gate to hell warn, 'Abandon all hope, You who enter here'.⁵² In *Wentworth*, there is no hope because there is no way out of the violence that maintains the internal laws of the prison and no escape from the structural violence of the liberal law that circumscribes the women's lives. Yet, from this place of hopelessness and complicity, possibilities emerge through compromise as new forms of kinship and love are generated and themselves generate potential (Doreen's garden, Boomer's workshop, Franky's life on the outside). In her reading of Radiohead's 2003 album *Hail to the Thief* (*The Gloaming*) as a popular cultural artefact that navigates the complicity of the Western subject within psychic and social structures of violence, Kate Livett suggests that 'It is only the compromised subject who can suggest compromise itself'.⁵³ From the violent, compromised and compromising space of *Wentworth*, justice can be imagined as heterogeneous and not homogenizing. By disassembling liberal law from radical, marginalized positions across gender, race, sexuality and class within a radical generic form, *Wentworth* asserts an ethics of multiplicity that, while itself compromised, is contingent and specific and arises from a recognition of difference rather than a punitive response to it. Inscribed throughout the carceral underworld of the show, this ethos is perhaps most clearly captured in the repeated chorus of the opening song 'You don't know me/When I don't know you'.⁵⁴

Notes

- 1 *Wentworth* (2017), S5 Ep 11.
- 2 Watson (1979–86).
- 3 Hannam, Radulovich and Watson (2013–).
- 4 See Herman (2003) and Millbank (2004) for an analysis of the rhetorical and political functions of queerness in the 'women in prison' genre.
- 5 *Prisoner* enjoyed massive international popularity; it was the second most popular show in the United States, earning 25 per cent of the audience when premiered there in 1979. In Los Angeles in 1980, the day after the airing of the episode in which lesbian bikie inmate Franky Doyle is shot by police, over 3,000 women bikies attended wakes to mourn her. In Sweden, after the final episode (number 692) aired in the year 2000, the show was screened again because fans held a massive demonstration – the first time this had happened in Sweden. See Zalcock and Robinson (1996) for more details about the show's many fanbases.
- 6 Bea Smith is one of the many characters transposed from *Prisoner* to *Wentworth*. Zalcock and Robinson (1996) argue that *Prisoner*'s character focus constituted a major generic departure from the 'women in prison' (WIP) films of the 1950s to 1970s, which were far more action based. Bouclin (2009), p 33, argues that *Caged* (Dir. John Cromwell, 1950) marks the beginning of the WIP genre, particularly as the film 'anticipates

feminist intersectional analyses that highlight the fact that choice does not amount to agency when made in the face of unpalatable options’.

- 7 *Wentworth* (2013), S1 Ep 1.
- 8 *Prisoner* explicitly dealt with these questions and effected real cultural change by giving a platform to the prison reform movement of the 1970s and 1980s – particularly in terms of the need for rehabilitation after release. One of the main consultants to the show was Sandra Willson, who at that time was the longest-serving female prisoner in New South Wales, ‘an unrepentant lesbian’ and the focus of a massive community campaign led by the Women Behind Bars collective advocating her release. The characters and storylines of Judy Bryant and Karen Travers were loosely based on Willson, and *Wentworth* was based on her experiences in Mulawa, Sydney’s prison for women. Sandra’s prison reform campaign is explicitly referenced when Judy Bryant goes to Sydney in episodes 309–313 to visit Sandra Willson (off screen) at Guthrie House, the halfway house for women that she established – the first of its kind in New South Wales.
- 9 Joseph (2009).
- 10 Swift (1726), p 22.
- 11 Mitchel (1918), p 286.
- 12 Clarke (1874), p 176.
- 13 Clarke (1874), p 327.
- 14 Clarke (1874), p 341.
- 15 Clarke (1874), p 344.
- 16 Miller *The Handmaid’s Tale* (2017–).
- 17 Nolan and Joy *Westworld* (2016–).
- 18 Falconer (2005).
- 19 *Wentworth* (2013), S1 Ep 10.
- 20 *Wentworth* (2014), S2 Ep 12.
- 21 ‘Born Again’, the first episode of Season 2, opens with a voiceover by the new governor, Joan Ferguson, emphasizing that the purpose of the facility is ‘to correct’.
- 22 *Wentworth* (2014), S2 Ep 7.
- 23 *Wentworth* (2014), S2 Ep 4.
- 24 Repeated line in *Wentworth* (2015), S3, Ep 1.
- 25 van Rijswijk (2015), p 239.
- 26 *Wentworth* (2014), S2 Ep 5.
- 27 *Wentworth* (2013), S1 Ep 1.
- 28 *Wentworth* (2016), S4 Ep 6.
- 29 *Wentworth* (2016), S4 Ep 12.
- 30 *Wentworth* (2018), S6 Ep 1.
- 31 *Wentworth* (2013), S1 Ep 10.
- 32 *Wentworth* (2014), S2 Ep 12.
- 33 *Wentworth* (2015), S3 Ep 12.
- 34 *Wentworth* (2016), S4 Ep 12.
- 35 *Wentworth* (2017), S5 Ep 12.
- 36 Rooney (2015b), p 4.
- 37 Rooney (2015b), p 1.
- 38 *Wentworth* (2013), S1 Ep 1.
- 39 Hamilton (1979).
- 40 *Wentworth* (2014), S2 Ep 1.
- 41 Higgins (2012).
- 42 *Wentworth* (2015), S3 Ep 1.
- 43 Imagine Dragons (2012).
- 44 *Wentworth* (2016), S4 Ep 1.

- 45 Divinyls (1985).
46 *Wentworth* (2017), S5 Ep 1.
47 Bat for Lashes (2012).
48 Rooney (2015a).
49 Rooney (2015a).
50 *Wentworth* (2016), S4 Ep 8.
51 Pleasantville (2013).
52 Dante (2000), III:9.
53 Livett (2007).
54 Pleasantville (2013).

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Law, Lawyers and Justice

This book engages with the place of law and legality within Australia's distinctive contribution to global televisual culture.

Australian popular culture has created a lasting legacy – for good or bad – of representations of law, lawyers and justice ‘down under’. Within films and television of striking landscapes, peopled with heroes, antiheroes, survivors and jokers, there is a fixation on law, conflicts between legal orders, brutal violence and survival. Deeply compromised by the ongoing violence against the lives and laws of First Nation Australians, Australian film and television has sharply illuminated what it means to live with a ‘rule of law’ that rules with a legacy, and a reality, of deep injustice. This book is the first to bring together scholars to reflect on, and critically engage with, the representations and global implications of law, lawyers and justice captured through the lenses of Australian film, television and social media.

Exploring how distinctively Australian lenses capture uniquely Australian images and narratives, the book nevertheless engages these in order to provide broader insights into the contemporary translations and transmogrifications of law and justice.

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Contents

<i>Preface</i>	vii
<i>Notes on contributors</i>	ix

PART I	
The unsettled law and justice of Australia	I
1 Australian lenses on law, lawyers and justice	3
KIM D. WEINERT, KAREN CRAWLEY AND KIERAN TRANTER	
2 Crime drama and national identity on Australian television, 1960–2019	20
CASSANDRA SHARP	
3 Whose country? Colonialism and the rule of law in <i>Sweet Country</i> and <i>Charlie’s Country</i>	42
JACK QUIRK AND JULIAN R. MURPHY	
4 Taking a lens to the chase in Australian settler state colonialism	59
THALIA ANTHONY AND KIERAN TRANTER	
5 Vilification, vigilantism and violence: troubling social media in Australia	82
CHRIS CUNNEEN AND SOPHIE RUSSELL	
6 <i>Picnic at Hanging Rock</i>: coming of age as a girl in the Gothic colonial institution	106
PENNY CROFTS AND HONNI VAN RIJSWIJK	

7	Haunted colonialism: space, place and colonialism in <i>The Babadook</i>	129
	PAULINE KLIPPMARK	
8	Being engaged in colonial critique by Mojo Juju’s ‘Native Tongue’	144
	KIRSTY DUNCAISON	
PART II		
	Australian gendered identities and law	177
9	Rake and Rumpole – mavericks for justice: purity and impurity in legal professionalism	179
	JOHN FLOOD	
10	Cleaver Greene: the legal larrikin on Australian screens	202
	LILI PÂQUET	
11	Eyes wide shut: homosociality, justice and male rape through an Australian lens	220
	BRUCE BAER ARNOLD	
12	<i>Romper Stomper</i>: a critique of neoliberalism in Australia	240
	KIM D. WEINERT	
13	Justice at the end of <i>Fury Road</i>	258
	KIERAN TRANTER	
14	Going bunta on Western law: violent jurisdictions, melodrama and the Australian carceral imaginary in <i>Wentworth</i>	275
	LAURA JOSEPH AND HONNI VAN RIJSWIJK	
	<i>Index</i>	288

Preface

Jingeri

Yugambeh for 'Hello'

The Yugambeh are the First Nation people of the southeast of what the British called Queensland. Their country includes the cities and towns of the Gold Coast, Logan and Beaudesert. We acknowledge their elders past, present and future.

'Australians all let us rejoice, For we are young and free': these are the opening lines of a nationalistic ditty that was adopted as the Australian national anthem in 1984, replacing 'God Save the Queen'. Reflective of a confident white society debuting on the world stage, the very lyrics are divisive. For the First Nations people of the land and nearby islands that the North has now called Australia, to sing of youth (in the context of 65,000 years of continuous cultural habitation) and freedom (in the context of the settler state and its continual practices of 'interventions', removals from country and killings) is a sad irony. The positive projections of the lyrics and the jaunty musicality of the anthem are undercut by a cruel reality.

For lawyers interested in the processes by which culture, materiality and power build, maintain and contest relationships and realities, it is highly provocative to live, teach and research in Australia. These processes seem immediate and obvious, and the high stakes of their playing out on the lives and bodies of Australians and those caught in its governmental orbit – like the feared boat-arriving asylum seekers – are witnessed continually in the media, storytelling and cultural artefacts emanating from Australia.

Yet what this says about law, lawyers and justice has not been strongly explored from the location of popular culture and law. There is a sense of injustice felt deep in the soul and seen in the land that is almost too painful to address. This is the motivation for this book. It is a beginning, not an end, reflecting a desire to bring to words what is felt and seen. We do not present it as a definitive work – such a claim implies that the object of study is entombed in history, discrete and knowable. Rather, we are each living and working (and watching and consuming visual culture) in a present Australia that *is* its colonial past, over-determined by the

indefatigable legalities of the settler state. Yet we can hope for the future. We commit this book to the shared struggle for a future filled with hope that lies beyond the settler state and its legalities of violence.

Nothing ever comes from nothing. The catalyst for this book was Kim arriving at Griffith Law School at Griffith University to pursue a doctorate with Kieran and Karen, which engaged more fully with the law and legalities of speech projected by Australian film. Her project inspired a workshop at Griffith funded by the Law Futures Centre, and this volume emerged from the papers presented. Our thanks to Melinda Davis from the Centre for organizing the workshop and for the support and encouragement of the Centre's inaugural director, Professor John Flood, and his successor, Professor Don Anton. A special thanks to our esteemed colleagues, Professor Charles Lawson and Dr Edwin Bikundo, who attended the workshop and, as always, provided thoughtful and engaging feedback on the draft papers.

We would especially like to thank members of the Australian and international academies who committed to and supported this project through undertaking blind reviews of the draft chapters. These chapters are more rigorous and better located because of their generosity and expertise. In no particular order, our thanks go to Professor Julian Webb, Professor Peter Robson, Dr Linda Haller, Associate Professor Catriona Elder, Associate Professor Francesca Bartlett, Professor Rebecca Johnson, Professor Simon Rice, Associate Professor Felicity Collins, Professor Bridget Griffen-Foley, Associate Professor Rebecca Johninke, Dr Victoria Herche, Professor Sue Turnbull, Dr Chris Butler, Dr Poppy De Souza and Professor Jon Stratton. A very special thank you to Susan Jarvis, who copy-edited the chapters for us.

Finally, this book is dedicated to Rémy Sébastien, who was born on 9 September 2019 as the final parts of the book were being arranged. May he grow into that future Australia filled with hope.

*Kieran Tranter, Kim D. Weinert and Karen Crawley
Written in Yugambah Country, 20 September 2019*

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