# CRIME, MEDIA AND THE CULTURAL CONUNDRUM

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## ABSTRACT

*Culture, in all its multitude of definitions is fundamentally important to the functioning of the criminal justice system in every society. Traditional theories of crime have more often than not, overlooked the effects of cultural as well as environmental factors and their impact on human conduct. Culture is more than mere ethnicity and embraces within its ambit ideals and beliefs about religion, interpersonal relationships, society, family life, sexuality and politics. There is a constant struggle over the meaning of culture which by its very nature is the essence of culture and despite this ongoing struggle over meaning, it has certain boundaries. No society can sustain its existence without some common understanding of social norms and practices and while individuals differ in their abilities and thoughts, falling short of social and cultural expectations creates a certain sense of dissatisfaction, aggression and frustration in them, which translates into perpetration of crime and deviant behavior. Culture has a telling influence on the conduct of individuals in the society and amongst the various factors directing social life within popular culture; media has emerged as the most influential one. In the light of recent events of violence aimed at prominent media houses in France and other countries, the present paper aims to bring out the relationship between crime and media and trace out the effects of various cultural settings on the fear of crime.*

**KEYWORDS:** Crime, Media, Culture

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*"Every society gets the kind of criminal it deserves. What is also true is that every community gets the kind of law enforcement it insists on."*

John F. Kennedy

## INTRODUCTION

Culture, in all its multitude of definitions is fundamentally important to the functioning of the criminal justice system in every society. Traditional theories of crime have more often than not, overlooked the effects of cultural as well as environmental factors and their impact on human conduct.[2] Culture is more than mere ethnicity and embraces within its ambit ideals and beliefs about religion, interpersonal relationships, society, family life, sexuality and politics. There is a constant struggle over the meaning of culture which by its very nature is the essence of culture and despite this ongoing struggle over meaning, it has certain boundaries. No society can sustain its existence without some common understanding of social norms and practices and while individuals differ in their abilities and thoughts, falling short of social and cultural expectations creates a certain sense of dissatisfaction, aggression and frustration in them, which translates into perpetration of crime and deviant behavior.[3]

Culture influences crime in at least a couple of ways. Firstly, crime and culture synergistically define each other. Secondly, the success of most court room narratives is determined by culture. On the flip side, culture to a great extent is shaped by crime. This is down to the tremendous mobilizing force that crime possesses. Once an act is labelled as a crime, changes in behavior and attitudes are inevitable in a society. These changes are attributable to the constant longing to avoid punitive aspects of law. The criminalization of a particular form of conduct serves a dual purpose; first, it is an indicator of the level of acceptance of the prohibition within the cultural setting and second, it acts as a catalyst to further cultural changes. The contestation of different cultural forces over the definition of crime provides a mechanism whereby crime influences culture and culture in turn influences crime. The boundaries of our

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[2] Kenneth B. Nunn, *New Explorations in Culture and Crime: Definitions, Theory, Method*, 17 U. Fla. J.L. & Pub. Pol'y [vii] (2006), *available at* http://scholarship.law.ufl.edu/facultypub/105

[3] *Id*

understanding of what is right and wrong, is defined by culture. In the words of Stuart Hall, one of the leading figures of cultural studies, culture is "*the production and exchange of meanings… between members of a society or group.*" One of the better known examples of the interaction that takes place between crime and culture embroils the transformations having occurred in the field of rape law ever since the advent of the feminist movement. Traditionally, the rights of male suspects stood to gain advantage over the rights of female victims due to the way in which rape was defined. There was no prosecution for marital rapes and the female victims were required by rape laws to resist their attackers. With the intervention of the feminist movement and the combination of new cultural norms, there was a change in the cultural perceptions of rape, the lawmakers were forced to redefine the crime of rape, reduce the requirements of force and resistance and eliminate the exception of marital rape. It is indeed culture that plays an invisible hand in driving through the process of criminalization and determining which acts are to be sanctioned through criminal statutes.[4]

## CULTURAL INFLUENCESON CRIME

There are several different stances one can take while determining the causes of criminal activity. One such stance that has been gaining popularity holds culture or subcultures responsible for crime rather than laying the blame on individual differences. Enculturation thus, plays a vitalrole in shaping criminal behavior.[5]Culture may be defined as the total aggregate of the different ways of living built up by a group of human beings. Though the word "culture"might be used with or sans evaluation,[6] it is viewed as primarily consisting of the symbolic, ideational and tangible aspects of human societies[7] while criminal behavior is nothing but subcultural behavior. It has been long acknowledged by several criminologists that it is these deviant and criminal subcultures

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[4]Nunn*, supra* note 1,at 15

[5]Kenneth Padowitz P.A., *The Cultural Influence on Crime*, Psychology of Law and Criminal Behavior (2015), http://www.psychology-criminalbehavior-law.com/2015/04/cultural-influence-on-crime/ (last visited Mar 4, 2015)

[6] Donald R. Taft, Influence of the General Culture on Crime, 30 Fed. Probation 16 (1966), available at http://heinonline.org/HOL/Page?handle=hein.journals/fedpro30&div=45&g_sent=1&collection=journals

[7]J.A. Banks, Banks & C.A. McGee, *What is Culture ?,*The Center for Advanced Research on Language Acquisition (CARLA) Carla.umn.edu (2015), http://www.carla.umn.edu/culture/definitions.html (last visited Mar. 4, 2015)

that give birth to actions labelled as "criminal".[8] Legally speaking, the distinguishing factor between a criminal and non-criminal is that the criminal has knowingly or unknowingly violated the law.[9] The way the concept of criminal has been enshrined in the law, it is clear that the proportion of people included in the category of "socially dangerous people" is considerably low. These people labelled as dangerous are essentially those who are not criminals themselves, nonetheless they create conditions resulting in crime.[10] Majority of the youth involved in criminal activities belong to a group. These groups lead to the creation of subcultures having a tendency to influence the members of the groups which in-turn can lead to illegal behavior. The sub-cultures so created act as an outlet for a group's values.[11] That doesn't mean that culture is to be held responsible for each and every action and thought on the part of an individual. As per the once popular "Broken Windows Theory", a culture of crime can swiftly take root if there is lack of bonding between citizens in keeping up their neighborhoods, resulting in minor crimes going unpunished. The theory led to an upsurge in community policing but could not bring down the crime rates of the late 1990s. What it did result in was several African Americans being incarcerated for petty crimes.[12]

In evaluating the role culture has to play in shaping the conduct of individuals in the society, it is essential to understand that culture is not merely a passive repository of ideas and customs, rather it too is shaped by various factors. To believe that culture creates a person would be a little naïve. The truth is that culture does shape the conduct of individuals but culture in turn is molded by different events which are shaped by individuals just as much.[13]. Every culture expects its citizens to behave in a certain way and it is this very culture that provides opportunities for its citizens to meet those expectations.[14] Therefore, to put the entire blame on culture for all the crime prevailing

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[8] Jeff Ferrell, Culture, *Crime and Cultural Criminology*, 3(2) Journal of Criminal Justice and Popular Culture 25, 42 (1995), available at http://www.albany.edu/scj/jcjpc/vol3is2/culture.html

[9] Taft, *supra* note 5

[10] *Id* at 17

[11] *Id*

[12] David Vognar, *How Important Is Culture in Shaping Our Behavior?,* The Huffington Post (2015), http://www.huffingtonpost.com/david-vognar/culture-influence-politics-life-_b_1724750.html?ir=India&adsSiteOverride=in  (last visited Mar 10, 2015)

[13] *Id*

[14] Padowitz P.A., *supra* note 4

in the society would be wrongheaded. Despite the fact that culture is a primary factor in the lives of individuals, which is primarily dependent on the person's receptivity to culture, it is next to impossible to carve out a culture ahead of time; one that is conducive to positive behavior and healthier thoughts on the part of its citizens.[15] Yet, culture and crime are so interwoven that the entire outlook towards crime and criminal activity is shaped by how a particular society or culture views a particular act on the part of its members.

## CULTURE AND THE PERCEPTION OF CRIME ACROSS CULTURES

Culture has a telling influence on the conduct of individuals in the society and plays a pivotal role in determining the way crime is perceived in the society. The essence of a culture lies not in its artifacts, tools or other tangible cultural elements but in their use, interpretation and perception by the group members.[16]The way we behave and think is to a great extent down to culture. Influential psychologist and neuroscientist Merlin Donald, in his book, *A Mind So Rare*, while expressing his views on the influence of culture on the functioning of the brain writes:

*"The social environment includes many factors that impinge on development, from bonding and competitive stress to the social facilitation of learning. These can affect brain functioning in many ways, but usually they have no direct influence on functional brain architecture. However, symbolizing cultures own a direct path into our brains and affect the way major parts of the executive brain become wired up during development. This is the key idea behind the notion of deep enculturation... This process entails setting up the very complex hierarchies of cognitive demons (automatic programs) that ultimately establish the possibility of new forms of thought. Culture effectively wires up functional subsystems in the brain that would not otherwise exist."[17]*

The perspectives towards crime and criminal activity vary across cultures. The discussions of cross-national crime comparisons are often accompanied by the "Institutional-Anomie Theory (IAT)"; a theory that offers an explanation for the varying

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[15]Vognar, *supra* note 11
[16] Ferrell, *supra* note7
[17]Vognar, *supra* note11

crime rates across cultures by emphasizing on the way in which a particular culture conducts itself, both economically and institutionally, on the sort of behavior its citizens are expected to exhibit and the extent to which culture affords them opportunities to meet those behavioral expectations. The theory, originally adopted to explain non-violent offences like white collar crimes, slowly became applicable to a series of violent crimes.  For instance, in the United States of America (U.SA.), the all-important cultural goal, often labelled as the "American Dream" is achieving wealth and becoming successful economically. According to the IAT, the high rate of crime in the U.S. can be directly attributed to the free market economy, i.e. once the social institutions stand dominated by the economy and there are no legal means provided by the government for achieving the desired wealth, the result is weak normative controls over how one should conduct his life. There is an inherent contradiction in the messages given out by the government. While on one hand, there is a major thrust towards achieving success, on the other, there is a dearth of legitimate ways to attain success and only a fraction of the population is successful in attaining the state of economic wealth. Thus, encouragement for entrepreneurship and individualistic ideals has led to social inequality and a higher crime rate.[18]

As per the IAT, the inter-relationship between crime and culture is explained through four fundamental cultural values being held primarily responsible for the elevated rates of crime. These are: achievement, individualism, universalism and monetary fetishism. In what way is success viewed by culture and what is the status or value attached to an individual is what determines *Achievement*. A greater focus on personal achievement, coupled with limited opportunities to succeed may result in an anomic lifestyle, with personal goals being favored over ethical boundaries and the latter falling into a grey area. *Individualism* would command reference to the way people are taught to compete amongst themselves to achieve success. Talking of the United States, it is imperative for the people to take care of themselves since it is their own responsibility. This is in stark contrast to collectivistic cultures, wherein the common practice is to take care of the group as a whole. The universal understanding of the aforementioned values across

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[18]Padowitz P.A., *supra* note 4

societies, irrespective of wealth or status is termed *Universalism*. There might be a tendency in certain societies to use money as the measurement of success rather than the way in which it was acquired. That gives rise to the concept of *Monetary Fetishism*. The interaction that takes place between the four fundamental cultural values as listed above, with the four social institutions in the form of family, economy, educational system and social policies, determines the rate of crime in a society. Dominance of the economy over other social institutions leads to a weakening of the family influences, the educational systems and the social policies, further reducing their abilityto prevent crime. These four values act as checks and balances for one another and the overpowering of one by the other results in the heightened levels of crime. In the words of Hirtenlehner& Colleagues, the relationship between culture, society and crime can be summed up as under:

"*Non-economic roles tend to be devalued relative to economic roles; non-economic roles typically are accommodates to economic roles when conflicts emerge; and the logic and mentality of the marketplace penetrates into the non-economic realms of social life. Conversely, a market economy, which is permitted to run largely unchecked by social institutions, reinforces and reproduces a cultural firmament such as the American Dream. It is this constellation of cultural value priorities and institutional power structures that dictates the rate of crime in a society.*"

The role of culture in the development of criminal behavior is much larger than some may care to acknowledge.[19]One country where culture can claim to have had a major say in shaping crime perception and influencing public opinion over centuries is, India. In the light of the recent turn of events surrounding the ban on the documentary India's daughter, it will be noteworthy to re-visit the entire crime-culture debate.

## INDIAS'S DAUGHTER AND THE (RAPE) CULTURE DEBATE

"*A promising 23 year old medical student; her life was lost while she was determined to make a better life for herself and her parents.*" As the news of Jyoti Singh's barbaric gang rape and murder in Delhi spread, there was a worldwide outrage and public outcry

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[19]Padowitz P.A., *supra* note 4

for putting an end to the culture of silence in the face of violence against women.[20] Three years on and British Filmmaker, LesleeUdwin came out with a documentary on the infamous Delhi gang rape titled, "*India's Daughter*" in early 2015. The documentary was released by the BBC on YouTube and within minutes, it went viral on the internet.[21] The Indian government though, stepped in and procured a court order blocking the airing of the documentary in India, citing objectionable content[22] and fearing that the content of the film could lead to a law and order situation in the country, as also the fact that the case remained *subjudice*at the time of its screening.Prominent Indian news channel, NDTV, which was slated to air the documentary, protested the ban by running a black screen bearing the title of the film for the entire one hour slot on March 8, 2015, the day it was scheduled to air the documentary.[23]Nonetheless, many Indians and non-Indians managed to get their hands on the movie and re-ignite the debate on rape culture and the security of women.[24]The movie narrated the story of Jyoti Singh- an aspiring student of medicine, who was repeatedly raped by six men and murdered before a part of her intestine was removed by forcing an iron rod inside her.[25] She suffered for 13 long days before succumbing to her injuries at a hospital in Singapore.

What followed next were her rapists and their lawyers attempting to justify the inhuman attack with statements that reflect the culture of gender inequality in India. The movie captured candid statements made by Mukesh Singh, the main accused and two defence lawyers, with respect to the place of women in society.  Their views highlighted the opinions about women that are commonplace; "*that women have no right to decide for themselves how, where and with whom they wish to spend their time.*" That stands

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[20]BiannaGolodryga*, 'India's Daughter': The True Story Behind the Banned Film,* Yahoo News (2015), http://news.yahoo.com/india-s-daughter-documentary-about-2012-delhi-gang-rape-and-murder-204806009.html (last visited Mar 16, 2015)

[21]Tanvi Kulkarni & Sana Ali, *Women's Day Special: India's Daughter and Rape Culture in South Asia,* South Asian Voices (2015), http://southasianvoices.org/womens-day-special-indias-daughter-and-rape-culture-in-south-asia/ (last visited Apr 3, 2015)

[22]InjiPennu, *The Ban on "India's Daughter" Brings India's Sons into Focus*, Global Voices (2015), http://globalvoicesonline.org/2015/03/12/bbc-indias-daughter-documentary-ban-patriarchy-rape-nirbhaya/ (last visited Apr 10, 2015)

[23]*Id*

[24] Kulkarni and Ali, *supra* note 20

[25]Emily Dyer, *The Attitudes Expressed Towards Women in India's Daughter are Chilling. But They're Also Universal,*Newstatesman (2015), http://www.newstatesman.com/politics/2015/03/attitudes-expressed-towards-women-indias-daughter-are-chilling-theyre-also (last visited Apr 10, 2015)

to be determined by "*our society*" and "*our culture*", which stops women from walking at night "*with any unknown person*" and "*women like Jyoti who foray into public spaces are seen as wrongly overstepping the bounds of domesticity and permitted female behaviour*". Furthermore, as per Mukesh Singh, Jyoti committed another sin in the sense that she happened to be out with a man without their being any relationship between them either by blood or marriage. Not only Mukesh Singh, but also his lawyers weren't too far behind when it came to echoing the narrow-mindedness and the male-chauvinist approach towards treating women in our society. One of them commented, "*You are talking about man and woman as friends. Sorry, that doesn't have any place in our society.*"[26] What is this "society" that he was talking about? A society where women are worshipped as Goddesses all over the country[27] and yet there are these people who have the audacity to come forward, commit a brutal gang rape on an innocent girl and justify it by holding the girl responsible for being out on the streets at night with a male friend. Mukesh Singh was defiant enough in his interview when he said, "*It takes two hands to clap. A decent girl won't roam around at 9 o'clock at night. A girl is far more responsible for rape than a boy*".[28]Shockingly, the defence lawyer, AP Singh echoes his views, "*If my daughter or sister engaged in pre-marital activities and disgraced herself and allowed herself to lose face and character by doing such things, I would most certainly take this sort of sister or daughter to my farmhouse, and in front of my entire family, I would put petrol on her and set her alight.*"[29]

These repugnant views voiced by Mukesh Singh and his lawyers are a slap in the face of a civilized society like ours. What *India's Daughter* did was make that slap deeply felt.[30] These views remain alive, both at our own door steps and at those of women around the world. Though they are extremely prominent in India, at the same time they are echoed by millions of men around the world.[31]What such views have done is forge a

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[26]Vanya Bhargav, *Silencing India's daughters,* Free Speech Debate (2015),
http://freespeechdebate.com/en/discuss/silencing-indias-daughter/ (last visited Apr 12, 2015)
[27]ShobhaWarrier, *Is This Our Great Culture? A Culture That Treats a Woman Like Dirt?,* Rediff (2015),
http://www.rediff.com/news/column/is-this-our-great-culture-a-culture-that-treats-a-woman-like-dirt/20150319.htm (last visited Apr 12, 2015)
[28]Golodryga, *supra* note 19
[29]Bhargav, *supra* note 25
[30] Kulkarni and Ali, *supra* note 20
[31] Dyer, *supra* note 24

culture of acceptability across societies wherein, crimes such as sexual harassment and rape are seen as inevitable. No wonder, at several instances during the documentary, one of the defence lawyers compared women to a precious flower and diamond, stating that, "*if you put the diamond on the street, certainly the dog will take it out, you can't stop it.*" This belief in the urge to act upon sexual desires in a violent manner being socially acceptable is aimed at directing the blame away from the perpetrators of this ghastly crime, towards the victim.[32]

The problem lies in the attitude towards crime, especially crimes against women. In most societies around the world, not only are women considered unequal to men and hence, less deserving of human rights but the way most women deserve to be treated is dependent upon their social status, caste, religion, sexuality and behaviour. This attitude extends straight to the upper strata of the society. Those inflicting sexual cruelty on women often indulge in dehumanizing their victims; conceived as subhuman creatures rather than ones possessing human rights and feelings. One such example being the Yazidi women enslaved by Islamic State of Iraq and Syria (ISIS); they are treated as apostates and bought and sold like cattle before being subjected to abuse, torture and rape. What often accompanies sexual violence is lack of fear of being reprimanded for one's actions and behavior. The case of an American soldier, Steven Green, involved in the gang rape and murder of a 14 year-old Iraqi girl in 2006 immediately comes to mind. Green was quoted as having said at that time, "*I wasn't thinking [Iraqis] were humans*".  He further tried to justify his actions by saying that, "*I didn't think I was going to live. . . I wasn't thinking about more than 10 minutes into the future at any given time*". In the wake of the 2012 gang rape case in India, women across the nation took to the streets, chanting the slogans of "*We want justice!*" Yet, what they got three years on was, in the name of extending protection to cultural sensitivities, the Indian government banning the film highlighting how endemic the rape culture in our country is.[33]

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[32]Dyer, *supra* note 24
[33]*Id*

The need of the hour is a drastic change in the perception of crimes such as rape, which is arguably the most violent demonstration of the ubiquitous belief that women don't own their bodies or their life and it is high time that a serious challenge is thrown to these long standing and deep rooted patriarchal beliefs, through the media of persistent dialogue, debate and education.[34]While it is true that the views echoed byMukesh Singh on camera were nauseating and horrific to say the least but it is also true that those opinions of his find base in the culture where the women are constantly asked not to dress provocatively and to avoid being out at night.[35] The larger question is, if women can be instructed to avoid being out at night and to dress up in a certain manner, why can't the men in our so-called patriarchal society be schooled to behave like humans in a civilized world? In the words of LesleeUdwin, "*This is a world problem and the time has come… to have us all join hands across the world to stop this lack of respect for women. To ensure autonomy and safety for women. It's the greatest unfinished business of our time. And we have simply neglected it for far too long.*"[36]

## MASS MEDIA AND CRIME

There is no disputing the fact that culture has a profound impact on the conduct of individuals in the society. Yet, amongst the various factors directing social life within popular culture; media has emerged as the most influential one.[37] It has been argued by many researchers that media no longer reflects culture, whereas media today, remains the central cultural arm of every society. When talking of media it is not just television but also newspapers and the print media which are no less important in their impact.[38]Having said that, crime and justice have always been a mainstay of media and popular discussion in almost all parts of the world.[39] Be it a series of innocent killings in

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[34]Bhargav, *supra* note 25

[35]Kavita Krishnan, *Rape, Rape Culture and the Debate Over India's Daughter*, Scroll (2015), http://scroll.in/article/711369/rape-rape-culture-and-the-debate-over-indias-daughter (last visited Apr 16, 2015).

[36]Golodryga, *supra* note 19

[37] Mehmet Sukru NAR, The Effect of Media as a Tool of Popular Culture on Crime, 9(1) Journal of Studies in Social Sciences 1-21 (2014)

[38] Judith M. Sgarzi, *The Media's Influence on Behavior and Violence: Is Society the Victim of the Media?*, in VICTIMOLOGY: A STUDY OF CRIME VICTIMS AND THEIR ROLES 69 (Judith M. Sgarzi& Jack McDevitt eds., 2003)

[39] David Indermaur and Lynne Roberts, *Perceptions of Crime and Justice*, in AUSTRALIAN SOCIAL ATTITUDES: THE FIRST REPORT 141 (Shaun Wilson et al. eds., 2005)

schools or stories of violent behavior exhibited by children and adolescents, media's role in directing violence is under the scanner.

The media structure rests on profit motive and its acceptability rate amongst the public is dependent on the content it exhibits, majority of which is violence and crime. This has led to the media and its various components becoming the seminal factor in running the rule over the acceptance or rejection of crime in society. For instance, an act of violence against women is likely to receive a greater coverage as compared to an instance of corruption or bribery. This has led to the passing of important values feeding culture by means of enculturation to generations.[40]The newsworthiness of crime is well documented by the popular maxim, "*If it bleeds, it leads*".[41]What one sees in most movies, television and the print media these days are images of women being portrayed as victims, subjects of violence and targets of stalking, anger and revenge. These portrayals seldom find themselves linked to sex and violence while at the same time labelling such behaviors as acceptable in the society, thus making them popular amongst individuals, especially the youth.

There is often a conflict between the defenders of media and those who hold media responsible for creating violence in the society. The former, arguing in favour of the media hold that media has a rather liberating effect, acting as an outlet for the aggression of the viewers. This argument is backed up by evidence to the effect that even after watching thousands of media images depicting crimes and violence, most people don't commit crimes and if they do, it's down to over-watching and in essence, resulting in self-victimization.In contrast, most political scientists, educators and criminologists believe that the influence of media lies in the fact that it provides a cultural training ground. Furthermore, they hold the view that the roles and expectations an individual is expected to play and fulfill are echoed by the media.[42] The effects of exposure to media content can be best explained by the "Cultivation Theory", propounded by George Gerbner in the 1970s. Focusing his research on the possible

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[40]Sukru NAR, *supra* note 36
[41]AnetteEmanuelsson&RominaMele, *Impact of Media on Fear of Crime?,* Svj.hvu.nl (2015), http://www.svj.hvu.nl/mediahype/risk4/page2.htm (last visited Apr 16, 2015)
[42]Sgarzi, *supra* note 37, at 71

effects of television on its viewers, Gerbner claimed that continuous exposure to media content over a considerable period of time is likely to leave a lasting impact on the minds of the viewers and implement in them attitudes that are more in line with the world of television than the everyday world.[43]

While several studies have proved that the public's perception of crime is largely dependent on the information provided by media, at the same time, research across the world has shown that in comparison to the actual crime rate in the society, there is overrepresentation of increase in crime in the media. GabryVanderveen, an Assistant Professor of Criminal Psychology at the University of Leiden has rightly pointed out, "*Reports in the media follow stereotypical patterns, like stranger rapes, outside in the dark, someone waiting in the bushes versus the innocent, modest victim. We know that that is not the case. Most rapes take place with familiar persons. Women are more likely to get severely victimized inside their homes*". Vanderveen further holds that "*People like a black and white world, that's the most simple. But it's not like that. Actually the media create a black and white world – more black than white*". One can therefore conclude that theoverall picture of crime portrayed by the media is rather inaccurate.[44]

## THE CHARLIE HEBDO ATTACK AND THE ROLE OF MEDIA

While it is true that mass media plays a key role in shaping our perspectives towards crime and culture, as also the fact that owing to significant developments in the mass media devices, access to information has become easier and hassle-free, yet the question that pops up for discussion is that, in the light of recent events of violence, to what extent is the media responsible for directing violence within the society.[45]It is up to the media organizations to take daily calls with respect to what is to be published and how.[46]On several occasions, that has led to allegations being levelled against the media for exercising power without responsibility. With great power comes great responsibility and the media, while informing citizens, questioning claims, investigating and mocking

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[43]Emanuelsson and Mele, *supra* note 40

[44]*Id*

[45]Sukru NAR, *supra* note 36

[46] Jason Abbruzzese, *Charlie Hebdo Attack Triggers Media Censorship Debate,* Mashable (2015), http://mashable.com/2015/01/07/charlie-hebdo-censorship/ (last visited Apr 16, 2015)

the powerful, functions as the fourth estate. For the journalists exercising this function, the biggest challenge is that of fear of punishment or death. Over the years, journalists have endured all sorts of risks while standing up against authoritative regimes and indulging in whistle blowing. But what is being witnessed today is an altogether different form of fear and violence in the society, none more prominent than the terror attacks on the offices of the French magazine, Charlie Hebdo in Paris on 7th of January 2015, killing twelve people including five of the leading cartoonists of the satirical magazine.[47]

Charlie Hebdo, being a left wing and anti-religion magazine that it is, attacked and satired almost everybody, including all religions, identity groups as well as all minorities and majorities. But mocking the Prophet Mohammed and the followers of Islam had landed them in hot waters off late, it being a decision having been considered by very few media houses.[48] Despite its Paris office being firebombed three years ago, it continued to carry on with its irreverence.[49]The vandalizing of Charlie Hebdo's office at the hands of extremists wasn't the first of its kind. In 2005, there were a series of lootings and assassination attempts carried out in Denmark and around the world after cartoons depicting the Prophet Mohammed were published by a Danish paper. While almost all of the western media took note of the intimidation and refrained from publishing cartoons seen as critical of Islam, Charlie Hebdo stood alone in opposition, went ahead and published several cartoons and caricatures depicting the Prophet Mohammed.[50]For the journalists to be performing the functions of a fourth estate, it is not possible to function in a climate of self-censorship owing to fear. The Paris attack, acting contrary to the objectives of the attackers, managed to galvanize support for Charlie Hebdo, a magazine that was previously politically marginal, leading to the publication of several cartoons mocking Islamic extremists.

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[47]Darren G. Lilleker, *The Importance of Media Freedom: Why The Attack on Charlie Hebdo Was An Attack on Democracy*, Bournemouth University (2015), https://www1.bournemouth.ac.uk/news/2015-01-16/importance-media-freedom-why-attack-charlie-hebdo-was-attack-democracy (last visited Apr 18, 2015)

[48] *Id*

[49] Fraser Nelson & Alex Massie, *The Attack on Charlie Hebdo is an Attack on Freedom*–The Spectator (2015), http://blogs.spectator.co.uk/culturehousedaily/2015/01/the-attack-on-charlie-hebdo-is-an-attack-on-freedom/ (last visited Apr 21, 2015).

[50]*Id*

The media effect was evident enough in the sense that it made cartoonists all around the world come out in support with their weapon of choice, their pen, under the expression, "*Je Suis Charlie*",[51] one that would soon become a leitmotif. The European press soon joined the movement, with the Italian media labelling it as an attack on "*everyone's freedom*", while in Spain there was intense shock and disbelief. Cartoonist Antonio Fraguas wrote, "*Liberty, Equality, Fraternity and Charlie Hebdo*". One can get a sense of the effect that media has on the outlook of people in society by the mere fact that in response to the German paper Hamburger Morgenpost's decision to republish the caricatures of the Prophet Mohammed, ones that originally led to the terrorist attack on Charlie Hebdo, the newspaper's headquarters was pelted with stones. Yet, various media houses across the globe stood together, with five of the biggest ones in Europe issuing a joint editorial- "*We continue to inform, to inquire, to interview, to comment, to publish – and to draw – about every subject that appears to us legitimate, in a spirit of openness, intellectual enrichment and democratic debate.*"[52]

The reaction in the Muslim world was no less diverse, despite the overall coverage being low key in comparison to the Western media. The French satirical magazine was criticized for mocking the Prophet Mohammed by both conservative and reformist outlets.While the reformist-leaning and independent papers such as Sharq and Etemad slated Chelie Hebdo for publishing the cartoons of Mohammed, some of the conservative papers blamed the French policies in the Middle East highlighting the fact that "*France is among the countries that have had the largest dispatch of terrorists to Syria...and one can guess how dangerous the return of these terrorists could be for Europe*". The Taliban did not openly support the attack but labelled the killings as "*an alarm bell for those who have in the past insulted Islam and the Prophet.*"[53] The attack generated an anti-Islamic feeling in France as well and the ones that opposed Charlie Hebdo's stance were being portrayed as supporters of terrorism.[54]Nonetheless, the global media

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[51]Lillekar,  *supra* note 46
[52] Francois Lenoir,  *European Media Respond to Charlie Hebdo Attacks with Defiance* , MSNBC  (2015),
http://www.msnbc.com/msnbc/european-media-respond-charlie-hebdo-attacks-defiance (last visited Apr 22, 2015)
[53] Joanna Paraszczuk,  *Muslim Press Reacts to Charlie Hebdo Attack* , RadioFreeEurope/RadioLiberty  (2015),
http://www.rferl.org/content/muslim-press-reacts-charlie-hebdo-attack/26783014.html  (last visited Apr 22, 2015)
[54]Lillekar,  *supra* note 46

coverage that the Charlie Hebdo attacks received was instrumental in bringing together not just the journalist community but humanity as a whole.

The varying reactions though typically highlight the diverse opinions which the media reporting of a terrorist attack is capable of generating. The fact that such a barbaric attack on a media outlet and the freedom of press in general was being justified in the Arab world was down to the projection of such acts by different media outlets as non-criminal and in essence, spreading the belief that at times, resorting to violence in the name of religion might be the only viable option. That is to say, the way different media houses project and label a criminal act has a direct consequence on the minds of the readers. Media being a free force does have a major role to play in molding public opinion. The effects of media are far reaching and despite there being several attempts at suppressing the freedom of the press, media has often emerged victorious in its quest for freedom of information, and in the process, shaping public perception.After all, the media freedom to voice ideas and arguments running against the status quo and questioning the hegemony of ideas is enshrined in the offices of most media houses and remains the cornerstone of every Journalism textbook.Therefore, it deserves to go unquestioned and be rather defended vigorously.[55]

## CONCLUSION

Culture thus,with all its wings, has a significant effect on the perception process amongst humans. Cultural differences often lead to varying perceptions regarding crime and justice. While the concept of justice might be universal in spirit across cultures, its meaning varies from one culture to the other.[56]What counts as criminal behavior in a society reflects the interests and collective norms and values of that society.[57] Criminal acts are basically a clash over what is termed as acceptable behavior.[58] The crime rate in any society is directly attributable to the severity with which criminal behavior is dealt

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[55]Lillekar, *supra* note 46

[56] Dante McAuliffe, *America vs. Germany: How Culture Influences Perceptions of Crime, Punishment, and Justice,* Theliberatedmind.com (2015), http://www.theliberatedmind.com/2013/09/america-vs-germany-how-culture.html (last visited Apr 28, 2015)

[57] S. Henry, *Social Construction of Crime*, in 21ST CENTURY CRIMINOLOGY 296-305 (J. Miller, ed., 2009)

[58] Jessica Schubert, *What Is Culture Conflict? - Definition, Theory & Example,* Study.com (2015), http://study.com/academy/lesson/what-is-culture-conflict-definition-theory-example.html (last visited Apr 30, 2015)

with and the sanctions attached to such behavior. Despite the fact that violent and deviant behavior is found in almost all societies, violence though, is a phenomenon often learnt by individuals from the people they consider as their role models and from the social environment around them.[59]The media,acting as a cultural wing plays an important role in directing such an influence, to the extent that almost the entire human experience today is in reality, mediatized experience. The stories of crime and justice covered by the media reflect the societies' views of what is termed as "good" and "bad".[60]

At the same time, media has often indulged in contradictorily mystifying and demystifying crime and justice.[61] The stories of crime reported by the media lack objectivity and value-neutrality and end up enculturating the viewers to their point of view.[62] The fear of crime is being directly controlled by the media and it is the media that is helping the individuals in making the distinction between approved and unapproved aggression.[63] Media tends to legitimize certain forms of deviant behavior by producing images justifying such behavior as the only way of dealing with issues of control.[64]Considering the impact that crime reporting by the media has in shaping the public opinion, especially the youth, there is a dire need for some serious guidelines on how crime should be reported by the media and that the media should refrain from glamorizing or trivializing crime.[65]

Popular culture is reflective of the values as much as it is responsible for shaping them; one such example being the existence of a causal relationship between the depiction of misogyny in popular culture and the incidents of violence against women. However, it is not always that the popular culture or media is to be blamed for everything wrong that happens in the society. The media does at times play the all-important role in uniting

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[59]Sukru NAR, *supra* note 36, at 17
[60] Gregg Barak, Mass Media and the Social Construction of Crime: A Critique and Implications for the Future, in THE ROUTLEDGE HANDBOOK OF CRITICAL CRIMINOLOGY (Walter DeKeseredy& Molly Dragiewicz, eds., 2012), *available at* http://www.greggbarak.com/whats_new_6.html
[61]*Id*
[62]Sgarzi, *supra* note 37
[63] Id, at 73
[64]Sgarzi, *supra* note 37, at 79
[65]JimohAmzat, Abodunrin A. Julius &Okunola R. Akanji, *The Print Media and Crime: Values and Issues*, 2(1) International Journal of Criminal Justice Sciences 63-75 (2007)

people across cultures, against violence and crime. That finds ground in the fact that despite the ban on the screening of the documentary "India's Daughter" in India, one cannot neglect the effect that media had in galvanizing universal support in putting an end to violence against women.[66] The widespread media coverage that the incident and the documentary received was instrumental in empowering women all over the world to stand up and speak up against incidents of violence and further highlighted the need to challenge the acceptance of violence as normal behavior.[67]

All said and done, we cannot allow our cultural lessons to be viewed through the distorted lens of the media that seldom projects an overabundance of violent images that continue to reinforce deep rooted attitudes of male dominance over women. As suggested by many researchers, we ought to clear our vision by removing the opaque lens through which we view society's images.[68]

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[66]Golodryga, *supra* note 19
[67]Sgarzi, *supra* note 37, at 79
[68]*Id*

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