

Topic: Discuss how the media, political and advocacy groups may have impacted the principles of the *rule of law* during the Cardinal George Pell trial. Examine each stage of the criminal justice process through to the Trial, Appeal and High Court hearing.

Introduction

The convergence of media, politics, and advocacy in the criminal justice system context can significantly influence the implementation of legal principles, hence impacting the final verdicts in prominent cases (Fox et al., 2001). The case involving Cardinal George

Pell, a prominent person within the Catholic Church, serves as a striking illustration of how external influences may affect the concepts of justice within the criminal justice system. The trial and the following legal actions against Cardinal Pell demonstrate the complex interplay between the rule of law and other influential factors like media scrutiny, political interests, and passionate advocacy.

This article thoroughly analyses the impact of media coverage, political agendas, and lobbying activities on the fundamental foundations of the rule of law during all phases of the Cardinal George Pell trial. From the commencement of allegations until the ultimate verdict rendered by the High Court, every stage of the criminal justice system provides valuable observations on the complex dynamics between impartial legal procedures and the external influences exerted by different parties involved. Through an analysis of the trial, appeal, and High Court hearing, this essay explores how these significant variables may influence the execution of justice. It also examines how the equilibrium between the rule of law and outside pressures can affect the result of highly consequential legal cases.

Media's Role in Shaping Public Perception and Fair Trial

The media's influence on the public's opinion of the Cardinal Pell trial began early. There was a heightened sense of awareness because of the media's extensive coverage and close monitoring. The assumption of innocence, a pillar of the rule of law, may be jeopardised by its exposure in the media. The public's perception and prospective jurors may be swayed even before a trial starts if the case receives sensational headlines and constant publicity (Howard Jr., 1994). It was difficult to have a fair trial in the Pell case because of the intense interest from the media. Potential witnesses, jurors, and even the accused might have been influenced by media coverage of the trial. Finding impartial jurors who had not still needed to form judgements based on media coverage might have been difficult given the trial's significant pre-trial publicity. The court might also feel pressure from media conjecture to move things forwards quickly or to cave into popular opinion.

In addition, dozens of Australian journalists and publishers stood trial in November 2018 on allegations of breaking an Australia-wide gag order in the case of former Vatican treasurer George Pell's conviction for child sex abuse. According to state prosecutors, nineteen journalists and twenty-one periodicals have been charged with aiding and abetting contempt of court and breaching suppression orders issued by the trial judge in Victoria, Australia (Reuters, 2020). Reporting on the matter was stifled so as not to influence another trial; Pell was convicted guilty of sexually abusing two choristers in December 2018. After the judgment, some foreign media outlets identified Pell and the allegations against him. However, Australian media outlets indicated that a prominent figure who would not be named had been convicted of a severe crime that could not be disclosed.

Political Influence on Justice System Independence

The rule of law relies on an impartial and independent judiciary, yet political motivations and ambitions threaten this ideal (Geyh, 2011). Considering the circumstances and the gravity of the charges, the Pell trial could not have avoided political overtones. Since the defendant was politically prominent, there may have been subtle political influences on prosecutors and law enforcement officials to treat the case with special care. In the courtroom, proof and proper proceedings must take precedence over politics.

For instance, Prime Minister Scott Morrison apologised to survivors and survivors who suffered institutional sexual assault of children on 22 October 2018 while judges were listening to testimony in the courtroom (The Guardian, 2018). 'I believe you, we believe you, and your nation believes you,' the speaker said to the victims as the emotional apology ended. It was a persuasive argument that could sway jurors to accept the allegations against Pell on faith instead of depending on the required load of evidence because it indicated an agreement that all Australians think or ought to think people who assert to have been victims of sexual assault.

Advocacy and Ensuring Fair Proceedings

Advocacy groups, while their altruistic goals, have the inadvertent capacity to impede the primary goal of guaranteeing a fair trial by placing undue pressure on the judicial system and swaying public opinion. Advocacy groups dedicated to supporting those who have encountered abuse may have inadvertently influenced public opinion by their affiliation with the alleged victims. According to Roberts et al. (2002), the appearance of conflicting opinions resulting from this phenomenon may provide further problems to the fair character of the trial.

The appeal stage of the legal system has several dimensions that are influenced by media, politics, and activism. Media coverage can influence the appeal process by selectively highlighting certain aspects of a case and molding public opinion in a particular way. Motivated by their commitment to certain causes, advocacy organisations often use public campaigns and legal support to aid individuals who claim victimhood. The issue above can exert excessive influence on appellate judges, which may compromise their impartiality and hinder their ability to evaluate the case independently. George Pell's legal representatives request that the advocacy organisation, Broken Rites, disclose documents as evidence to support their claims (The Guardian, 2017).

The apex of the Pell case transpired during the High Court proceedings, whereby a comprehensive analysis was conducted to scrutinise the fundamental principles that underpin the rule of law. The High Court's granting of special permission to appeal illustrates its role as a safeguard against the possible influence of media, politics, and lobbying on the lower courts. The statement above underscores the importance of an independent entity that can objectively evaluate legal arguments while remaining resistant to external pressures. This specific phase of the proceedings showcased the judiciary's steadfast commitment to upholding the tenets of the legal system and ensuring that fairness prevails over irrelevant factors.

Appeal to the Court of Appeal of the Supreme Court of Victoria

The case of Cardinal George Pell had a notable development when he filed an appeal with the Court of Appeal of the Supreme Court of Victoria after his conviction. The appeal was a pivotal juncture within the legal proceedings, whereby Pell's legal counsel sought to contest the trial's verdict by identifying any flaws or misapplications of the law. The crux of the appeal was the contention that the verdicts were unjustifiable or lacked sufficient evidentiary basis as provided during the trial.

In the Court of Appeal procedures, the parties involved presented their respective positions before a panel of justices who thoroughly examined the evidence, legal arguments, and the general conduct of the trial (Supreme Court Victoria, 2019). To overturn the conviction, the defense underscored the need to establish that the jury's conclusion was not a rational outcome based on the evidence offered. The important assessment by the Court of Appeal pertained to the "open to the jury" test, which aimed to determine the reasonableness of the jury's judgement in light of the available evidence (Supreme Court Victoria, 2019).

The final ruling of the Court of Appeal, in which Pell's conviction was affirmed by a majority of two out of three judges, brought attention to the intricate nature of legal interpretation and the inherent subjectivity involved in assessing evidence (HAMER, 2022). The ruling mentioned above highlights the inherent difficulties associated with appeals and the stringent criteria that must be satisfied to reverse a jury's verdict successfully. The Court's judgment also brought attention to the possibility of divergent perspectives among legal scholars, underscoring the intricate and subtle nature of the judicial proceedings.

Appeal to the High Court

Cardinal Pell filed an appeal with the High Court to contest the ruling of the Court of Appeal before Australia's highest court. Pell's legal team claimed that the Court of Appeal infringed justice by incorrectly applying the law. Legal concepts and their

application to the facts given at trial and in ensuing appeals were at the heart of the case that went up to the High Court.

By allowing an appeal, the High Court implicitly acknowledged the case's importance and the possible ramifications it may have for the rule of law. The judicial process fully displayed the High Court's function as a protector of fairness and neutrality. Careful analysis of the legal issues, review of the lower courts' judgements, and consideration of the possible influence on the principles of justice were all part of the High Court's deliberations (Law Council of Australia, 2023) in this case.

The High Court unanimously agreed to hear Pell's appeal, overturning his convictions in a historic decision (Law Council of Australia, 2023) [citation needed]. The High Court concluded that reasonable doubt existed regarding Pell's guilt based on its review of the evidence and application of applicable legal principles. The High Court's dedication to judicial independence was fully displayed in this judgement, which was made public during heightened media and public scrutiny.

From the Court of Appeal to the High Court, the Pell case illustrates the necessity of adhering to legal standards, the significance of the courts in protecting the rule of law, and the intricacy of legal interpretation. In addition to having far-reaching consequences for Cardinal Pell, the High Court's judgement was a powerful demonstration of the Australian judicial system's dedication to fairness, objectivity, and the rule of law.

Impact on the Principles of the Rule of Law

The media, politics, and advocacy organisations all posed threats and opened doors for the rule of law at various points in the Cardinal Pell case. There was both pressure and potential for the media to play a part in the trial of Cardinal George Pell. One difficulty that arose from the extensive media coverage was its possible threat to the assumption of innocence and the right to a fair trial (Machado & Santos, 2009). The trial's fairness may have been compromised by the widespread coverage in the media, which may have influenced public opinion and led prospective jurors to adopt biased judgements

based on media accounts (Partma, 2009). The media, however, stepped in to serve as a check on any possible abuses of power inside the judicial system, mitigating this problem. The media's ability to monitor courtroom procedures, call attention to irregularities and insist on openness helped keep the judicial system in check. The media's coverage focused on possible anomalies, stimulating debate and drawing attention to the need for fair procedures.

During the Pell trial, political interests served as both a cloud and a spotlight on the ideals of the rule of law. The difficulty came from the risk that political considerations compromise the judicial system's impartiality. Political pressure on law enforcement and prosecutors to take a particularly strong stance in a high-profile case runs the risk of undermining their independence and the fairness of the procedures (Vining Jr. & Wilhelm, 2010). This difficulty, however, also offered a chance for improvement. Public debate on the effectiveness and impartiality of the judicial system was sparked by political interest. From these conversations, suggestions for reformation and development evolved to improve the judicial system's openness, fairness, and general integrity. In this approach, political curiosity sparked discussions that may enhance the rule of law.

Advocacy organisations had a multifaceted function within the context of the Pell trial, including obstacles and prospects for preserving legal principles. The problem arose due to the unintended consequences of advocacy initiatives on legal procedures, potentially jeopardising the fundamental tenet of impartiality. In their pursuit of virtuous objectives, these organisations associated themselves with purported victims, perhaps exerting influence on public sentiment and adding further strain on the impartiality of the trial. Nevertheless, this obstacle has also presented an opportunity for transformation. Advocacy organisations have raised awareness of systemic concerns about sexual abuse and how victims are handled within the court system. The efforts undertaken by the individuals in question have sparked significant dialogues on the need for systemic changes, compelling the broader community to contemplate the delicate equilibrium between ensuring equitable treatment for the guilty and upholding justice for victims.

The act of advocating, while it can influence the course of events, plays a pivotal role in resolving underlying issues.

The involvement of the High Court in the trial of Pell presented significant obstacles and possibilities in defending the fundamental values of the rule of law. The difficulty was in the probable interpretation that the ruling of the High Court placed more emphasis on procedural formalities than the pursuit of justice. This view may be attributed to the dismissal of convictions due to legal reasons, which tends to obscure the fundamental issues of the case. Nevertheless, as mentioned earlier, the difficulty was effectively addressed by the potential that the High Court offered. The impartiality of the ruling highlights the significance of an autonomous judiciary in upholding the integrity of the legal system. By autonomously evaluating the legal arguments and facts, the High Court exhibited its dedication to upholding a fair and equitable legal procedure, distinct from the external factors that had previously permeated preceding phases. This underlined the vital function of the High Court as a protector of justice, maintaining the rule of law and safeguarding its integrity in the presence of intricate judicial procedures.

Conclusion

Inside the complex framework of the Cardinal George Pell trial, the dynamic relationship between media, politics, and activism has brought to light the inherent weaknesses and merits of the rule of law as it operates inside the realm of the criminal justice system. The process leading from an initial allegation to the ultimate judgement rendered by the High Court exemplifies the intricate balance necessary to uphold justice in the face of extraneous factors. The media has a dual function since it can sensationalise and manipulate public opinion. However, it also acts as a crucial mechanism for monitoring and preventing possible abuses of power within the court system. The persistent examination it imposes necessitates a state of openness and responsibility, eventually reinforcing the principles of legal governance. The influence of political interests, although potentially eroding the legal system's independence, has also served as a stimulus for public dialogue and changes aimed at improving fairness and integrity.

Advocacy organisations have unwittingly influenced proceedings by shedding light on crucial discussions about systemic problems surrounding abuse and the treatment of victims. By questioning the concept of impartiality, their endeavors catalyse social self-reflection and advocate for a delicate equilibrium between the rights of the accused and the pursuit of justice for victims. The ruling of the High Court, which was influenced by legal intricacies and considerations of fairness, highlights the need for an autonomous judiciary as the fundamental pillar of the legal system. This statement underscores the intricate challenge of upholding the integrity of justice among the intricate interplay of media sensationalism, political agendas, and passionate advocacy.

In summary, the case of Cardinal Pell sheds light on the ongoing conflict between external forces and the fundamental principles of the rule of law. In contemporary society, it is essential to comprehend and effectively confront these problems and possibilities to uphold the unwavering pursuit of justice, characterised by impartiality and ultimately aligned with the loftiest principles of equity and integrity.

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