

**Assignment Task: Identify a marginalised group and analyse the group's status and access to resources and opportunities within Australian society****Introduction**

**mar-gin-al-ise** *tr.v.* To relegate or confine to a lower or outer limit or edge, as of social standing.

"**Social exclusion** refers to the marginalisation that can be experienced when people are unable to participate fully in the society in which they live." (CHASE, 2005)

These two terms are used alternatively in the literature to designate people and groups that are seen, or see themselves, as not fitting in to the norms of any society. These people are sometimes viewed as "**socially disadvantaged**". "**Segregation**," "**victimisation**," "**inequality**," and "**discrimination**" are other terms used in various contexts.

For the purpose of this assignment I will use the term "marginalised" to represent all these concepts.

The marginalised group I have chosen to identify is people who are incarcerated (imprisoned/confined) against their will in Australia, generally convicted criminals and illegal asylum seekers.

**Why Are They Marginalised?**

I think it is generally acknowledged that people are incarcerated to punish them for some crime or to protect society from their influence. Being incarcerated they are, by definition, marginalised and unable to participate in society. But there is more to it than that.

Studies on incarceration indicate that most people who are incarcerated come from low socio-economic environments.

In 2002, John Ryan MLC, NSW, reporting on the findings of a Government Select Committee stated, "The prison population consists of men and women who are, on average, of lower socioeconomic status, of poorer health and of lower levels of education than the rest of the population."

A submission to that Committee, by Justice Action Australia, a major proponent of prison reform, stated, "Serious studies by criminologists and sociologists invariably nominate social conditions as the major factors leading to variations in the level of crime in society or the likelihood of criminality in an individual. Such things as availability of employment, education and support for families and communities are usually nominated as tending to reduce criminality with inequalities in areas such as income, access to the law and political rights tending to increase the incidence of crime in society," (2000).

The tendency seems to be that people who are incarcerated are doubly marginalised. They are marginalised because of their anti-social activities and they come, generally, from semi-marginalised groups who don't have a full opportunity to participate in the mainstream of society.

**Sociological Theories**

Michel Foucault (1926-1984), in his book "Discipline and Punish" suggests that societies use separation/segregation as "ways of exercising power over men, of controlling their relations, of separating out their dangerous mixtures." (1975).

Foucault is seen by some as a structuralist because of his interest in knowledge and power and their effect on social practice. His attitude to prisons came from his involvement with the French campaign for prison reform, GIP (Groupe d'information sur les prisons) and he wrote the book to explain how power within society relates to the conditions and structures within prisons. For the purposes of this paper, the criticisms made by Foucault regarding what he termed the "carceral system" within prisons are important. "Carceral" simply means a prison and it's where we derive the word "incarcerate".

The carceral system is used by Foucault to explain the failure of the operations of the modern prison. The systems components include the discipline of the prison, the development of a rational technique for managing prisoners, the rise of criminality and strategies of reform. The essence of the system is that the power within the society creates the norm against which individuals are judged and punished.

Foucault contends that the power structures give insufficient heed and understanding to the need for rehabilitation, as part of the process, and this is its failure. Without proper management it creates a continuum, which leads to further delinquency and recidivism. In Foucault's framework, the reliance on norms created through power structures alone tends to marginalise those seen as deviants from those norms.

However, all is not doom and gloom. Foucault also hoped that understanding brought by the "human sciences" (particularly, in my mind, a more focussed social and welfare policy) will help to reconstruct norms more conducive to allowing this marginalised group to blend more successfully with society.

Another theorist with particular issues surrounding incarceration is Erving Goffman (1922-1982), who, among other things, defined the concept of the "total institution". He is known generally for his theory of "dramaturgy", a term he coined to show that we are really actors who perform scenes and roles using the props we discover in our relationships.

"In defining [the concept of total institution] Goffman delineates the key features of totalitarian social systems. Should a person reside in such a system, it encompasses his or her whole being. It undercuts the resident's individuality. It disregards his or her dignity. It subjects the individual to a regimented pattern of life that has little or nothing to do with the person's own desires or inclinations. And it is inescapable." (Politics of Health, 2005)

In relation to incarceration and marginalisation, Goffman's attitude was that prisons and other institutions (asylums) involve the isolation of people out of the society.

In an interesting article on "prison argot", a former public health officer with NSW Corrections sums up my understanding of Goffman's views on incarceration:

*"According to Goffman (1961) ..., prisons of the 19<sup>th</sup> and early 20<sup>th</sup> centuries shared many common characteristics of total institutions, such as exclusion of inmates from participating in arriving at decisions taken regarding their daily lives, incompatibility with work-payment structure and family life, and deprivation at the most basic levels (i.e. liberty, goods and services, autonomy, security, and heterosexual relationships). Penal philosophy during this era was primarily based on punishment to the body and mind of prisoners (then referred to as convicts), and prisons were commonly referred to as penitentiaries or asylums. Most inmates were incarcerated in isolation, and security was strictly*

*enforced with the prison warders socialized to regard inmates as subhuman beings.” (Awofeso N, 2004)*

However, as with Foucault, Goffman seemed to see some light in the tunnel:

“It was then and still is my belief that any group of persons -prisoners, primitives, pilots, or patients - develop a life of their own that becomes meaningful, reasonable, and normal once you get close to it, and that is a good way to learn.” (1961)

### **The Impact of Societal Structures**

An interesting quote from a young graduate in America: “Legal punishment, then, is merely a societal construct that attaches values of right and wrong to given actions. It serves to order society, adding forcefulness to the law and ensuring justice. It is not, as some have suggested, intended to be cruel or somehow violate anyone’s rights – even those of the inmate,” (Courrèges, 2005). He also quotes Kant - “For if justice and righteousness perish, human life would no longer have any value in the world...”

In its report on the 2004 Federal Election, the Joint Standing Committee on Electoral Matters made a number of observations regarding the rights of prisoners to vote. It alluded to submissions, which indicated that our societal structures were such that people who are incarcerated for crimes against our society, forfeited their right to participate in the democratic processes. It concluded that, “persons sentenced to a period of full-time imprisonment should not be allowed to a vote during that time” (p129)

These observations seem to be inherent to the general Western view of criminals and the consequences of their crimes. Our society expects a certain level of behaviour and castigates those who do not abide by those expectations, to the extent that we push, through social commentary, particularly in the media, and through the legislative processes of government, to alienate the perpetrators.

The Royal Commission into Aboriginal Deaths in Custody pointed out that this obsession, combined with a total lack of appreciation of indigenous culture was one of the main reasons for the disaster known as Aboriginal deaths in custody (1991).

However a number of studies have been undertaken into alternatives to incarceration and the rights of prisoners, notably the Human Rights and Equal Opportunities Commission in it’s publication “Prisoners as Citizens” and reviews by the Australian Law Reform Commission into sentencing and related issues.

Ross Homel, the then Professor of Justice Administration at Griffith University said in 1994, “Asking about the human rights and social justice implications of criminal justice policies and practices is always at least as important as any analysis of their instrumental value.”

I was taken by a summary of the effects of disempowerment by Lowitja O'Donoghue in a human rights speech she gave in 2003. She said:

- Their voices tend not to be heard
- Their preferences, wishes and aspirations are less likely to eventuate
- They are more likely to feel at the mercy of systems - than to experience systems as being there to support them
- The major political parties do not see their issues as vote winners

- When they do receive attention it is often inappropriate or patronising.

There seems to be a dichotomy of opinion developing in the Australian society about the whole aspect of what to do with people who break the law. On the one hand, the general view is that those who don't (or can't) adapt to societal ethics and values should be marginalised from society by incarceration. On the other hand, there is a wellspring of thought and action which says that these people ought to be treated with some degree of decency and rehabilitated in a more positive way.

It appears to be a dilemma that may take some time to solve itself. With a continuing rise in the lower socio-economic population and a developing drug culture across the board in Australia, crime is increasing along with a subsequent rise in prison population. It is also generally accepted that incarceration, rather than deterring criminal activity, actually lends itself to increased recidivism. Yet, despite calls for changes in approach, there seems to be little being done. It will be interesting to see the approach of the Australian Capital Territory to this problem as it develops plans for a gaol and a new youth detention centre over the next few years.

### **Stereotyping**

While stereotyping is a natural part of the way we accommodate our environment, it is also simplistic and fails to appreciate differences within the stereotyped category. "Moslems are terrorists" is a typical example of misaligned stereotyping.

The Encarta encyclopaedia says that, "the notion of a stereotype is generally negative. It demotes individual thought and existence to a slavish adherence to pre-formed formulations (the original printing block), which resist critical appraisal in the light of new or different experience. It is narrowly rooted in prejudice and irrational fear..."

In relation to people who are incarcerated there are numerous stereotypes and labels, in relation to both the incarcerated themselves and the groups from which they are seen to arise. The RCIADIC was scathing in its reporting of stereotypes and labelling of the Indigenous Australian community. The Australian Drug Law Reform Foundation links socio-economic conditions and stereotyping when it says "Poverty and inequality of opportunity coupled with a mainstream stereotyping and scapegoating have added to (disempowerment)" (1996)

From my research I found it difficult to decide whether the stereotyping and labelling cause the marginalisation or whether marginalisation caused the stereotyping. It seems to me that the two follow each other around.

### **Impact on Welfare Work**

When the 1999 NSW Drug Summit asked prisoners "Have you received any personal assistance or support from drug or other welfare workers?" 61% replied "No". The 2001 National Drug Strategy reported that not enough was being done for prisoners, while they were still in prison. In NSW there is only one community organisation (The Community Restorative Centre) specifically dedicated to assist prisoners. Of course there are many organisations, Australian wide and state/territory specific, that have prisoner welfare as part of their portfolio. Most government corrective services bureaus also provide some measures of support before, during and after incarceration. And a number of government and private organisations are heavily involved in law reform and prisoner rights.

While a lot of work is being done in the welfare area, the marginalisation and stereotyping attached to incarceration seems affect the impact of that work.

The Australian Institute of Criminology report on Criminal Justice Planning and Coordination indicated that, "The system as it currently operates is unfair. It discriminates against victims; it is playing a large part in the destruction of the Aboriginal and Islander people; it is not restorative, largely fails to rehabilitate and it does not deter crime. On top of all this is the enormous cost to the taxpayer." The author of the paper Keith Hamburger, Director General of Queensland Protective Services muses on the outcomes of cooperation between government and community services organizations. He suggests that there is no simple answer, but teamwork is a must if we want to leave our children with a better society.

I note with some disappointment that the Australian Institute of Health and Welfare has a number of "quick links" on its website to subjects such as aged care, mental illness, homelessness and drugs, but nothing on prisoner or aboriginal welfare.

The impact of marginalisation and "out of sight, out of mind" philosophies seem to be prevalent attitudes across the board, as Lowitja O'Donoghue indicated.

We have a lot of challenges across a wide range of issues concerning incarceration and welfare strategies.

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