



No. 204 Young Indigenous Males, Custody and the Rites of Passage

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Almost 20 years ago, David Biles (1983) included a reference to the use of imprisonment as a substitute manhood ceremony in his report on Groote Eylandt prisoners. Despite the provocative nature of this suggestion, no detailed study of this claim has been undertaken to date.

This paper examines the concept of incarceration as an alternative "rite of passage" for young Indigenous males. The paper draws upon research currently being conducted in the Northern Territory and while the findings can only be considered as preliminary, they nevertheless suggest that the concept of incarceration as a rite of passage needs to be substantially re-configured. While imprisonment can certainly serve as a testing ground for young Indigenous men, it does not replace traditional rites of passage in remote communities, and needs to be recognised as a phase in criminal trajectories characterised by a lack of access to basic social resources.

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The role imprisonment plays for young Indigenous males in remote communities has come to be the subject of some controversy, with many social commentators arguing that imprisonment may be serving as an alternate initiation process for some young Indigenous males. This paper provides a first step in clarifying some of the critical issues addressing these understandings of rites of passage and incarceration for future researchers and policy-makers. It is critical to note here, however, that there are a range of factors that impact upon the experience of young Indigenous men in remote communities which are too complex to do justice to in a single paper (see Cunneen 1999; Beresford & Omaji 1996). Instead, this paper will examine both anthropological and criminological concepts of rites of passage in relation to young Indigenous males' experiences of incarceration in the Northern Territory.

Background

The over-representation of Indigenous people in Australian prisons and detention centres is well documented (see Cunneen & McDonald 1997), with the Indigenous prison population growing faster than the non-Indigenous prison population (Carcach, Grant & Conroy 1999) and the over-representation of Indigenous juveniles being more extreme than that of adults (Lincoln & Wilson 2000).

Within the Northern Territory, Indigenous males form the single largest group of detained/imprisoned persons (over 63 per cent). Given that Indigenous people make up 28 per cent of the

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Northern Territory population, this is an over-representation ratio of approximately 2.5 to 1. Because of the high number of Indigenous persons in the Territory population, this *ratio* is actually one of Australia's lowest, but as a proportion of all those incarcerated, the figures are of real concern. Partly because of the magnitude of this over-representation in Australia, the role incarceration plays for young Indigenous males in remote communities has increasingly attracted attention. The notion that incarceration is serving as an initiation process for young males has assumed something of the status of a received wisdom. This is despite the absence of any very rigorous empirical support for the concept beyond the reference to imprisonment as a substitute manhood ceremony by David Biles in his 1983 report on Groote Eylandt prisoners. Nevertheless, across the Northern Territory and in those other jurisdictions where traditional customary systems exist, many of those who work with Indigenous people continue to make reference to this perception (Van Zyl 2001).

For example, Michael Gilroy (in Biles 1983) reports that young Aboriginal offenders:

...boast about their imprisonment and with bravado talk about the "free jet trip". Their only criticism of Fannie Bay [Darwin's former prison] appears to be the lack of grog but "there is good tucker and easy work" and many of their mates are there. In letters to their brothers and mates, they exhort them to "get to Fannie Bay" as "it's a real good place there"...these days there are no thorough initiation ceremonies which herald manhood. It appears that young people themselves have chosen an alternative initiation—going to gaol. (Gilroy 1976, pp. 124–5)

Most recently, the Chief Minister of the Northern Territory, in a speech in 2000 to the NT's Council of Churches, remarked:

As we know, there are some communities where going to prison has become almost a "rite of passage" and a source of pride and achievement. Many

Aboriginal parents believe the Don Dale Centre [Darwin's juvenile detention centre], with its furnishings and fittings, is too opulent. Some youngsters look forward to going there. For such young people, a community-based solution may be a far more effective deterrent. (Burke 2000)

Similarly, the *Northern Territory News* on 6 January 2001 featured a two-page article on Wadey (Port Keats) that described a recent juvenile court appearance by a youth from the community. The defence lawyer from the North Australian Aboriginal Legal Aid Service (NAALAS) admitted to the court that the youth said he wanted to go to the detention centre. The newspaper reported that the magistrate, in response, had said:

...knowing what I do of you from the past I fear that if I do not send you to Don Dale for Christmas you will go out and commit more offences until you get what you want. A number of your friends are going to Don Dale and you obviously want to go there too. (Watt 2001, pp. 20–1)

The concept of incarceration as a rite of passage or voluntary exercise is not, however, without its critics.

In response to Gilroy, McGill (1976) contended that the suggestion that custody had replaced initiation was:

...not true. Whilst it is correct that a type of hero worship of ex-prisoners does exist amongst the young boys, this does not mean imprisonment in Fannie Bay has replaced tribal initiation. Tribal initiation still exists, although on Groote Eylandt it has always been less vigorous and more informal than on the mainland. (McGill 1976, p. 127)

While the situation may have altered since McGill rejected the prison-as-a-rite-of-passage thesis, the argument that incarceration might involve a "positive" element of *choice* certainly runs counter to the very substantial literature focusing upon Indigenous incarceration. The clear thrust of this literature is that incarceration is particularly and uniformly damaging for

Indigenous inmates (Cunneen & McDonald 1997).

This paper takes up the original issues discussed by Biles, and examines the conditions currently facing young Indigenous men in the Northern Territory. Before doing so, however, it is necessary to understand exactly what is meant by the term "rite of passage".

Rites of Passage

Anthropologists have long emphasised the centrality of rites of passage in pre-industrial societies because of the way in which they allow members of society to progress through transitional life phases through the use of rituals and ceremonies. The concept of "rite of passage" was first articulated by Van Gennep in 1929 as part of an attempt to clarify the ritualised practices and ceremonies that cultures develop in order to formalise the leaving of one life phase and the entering of another (Van Gennep 1960). Van Gennep outlined three criteria that characterise a rite of passage:

- the spiritual/symbolic needs of the participants are addressed through engaging in a ritual or ceremony which allows for a "new" construction of self;
- "*communitas*" is formed through the witnessing of the event by significant others in the community; and
- the ritual incorporates conditions which may challenge the participant physically and relate to moral/cultural teachings intellectually—these conditions are presented as a test of character development and ability to pass through to the next life phase (Van Gennep 1960).

While other studies have identified similar criteria, the recognition of such social practices has not been confined to anthropology. Sociologists have also acknowledged the mechanisms that alleviate the tensions associated with transitional phases and major changes in industrial societies (see Teather 1999).

There is, then, a wide range of life stages that might conceivably be categorised as constituting a form of initiation ceremony, or rite of passage. In first-world cultures there are ever fewer ceremonial rites of passage but, nevertheless, certain events (such as 18th birthdays, first jobs, first cars, first sexual encounters, religious or cultural rituals or leaving home) are generally recognised as signalling important milestones in an individual's movement from childhood to adulthood. These events serve to reposition individuals relative to others and make clear the changing nature of their status and obligations. Importantly, however, not all such milestones are seamlessly consistent with community norms and State laws. Certain adolescent criminal activities, such as drug use and gang involvement, are also recognised as providing effective rites of passage for at least some children, particularly the disadvantaged or marginalised, despite their ostensible incompatibility with the dominant norms of the day (see Huff 1990; Soriano & De La Rosa 1990).

Together with becoming an "adult", criminality may also be seen as a "tool" for the development and maintenance of a particular expression of masculinity. For example, Katz argues that when men commit an armed robbery, they are "doing" masculinity. Criminal acts are given as:

...a way of elaborating, perhaps celebrating, distinctively male forms of action and ways of being, such as collective drinking and gambling on street corners, interpersonal physical challenges and moral tests, cocky posturing and arrogant claims to back up "tough" fronts. (Katz 1988, p. 247)

Engaging in criminal behaviours with like-minded peers can readily incorporate aspects that closely resemble the criteria first identified by Van Gennep. Some criminal activities may challenge, teach and ultimately result in the construction of a new sense of

self-identity that is acknowledged, accepted and respected by significant others. Given this, it is not surprising that some are prepared to readily countenance the idea that incarceration has come to serve as a replacement for traditional rites of passage. What, then, is currently occurring in the Northern Territory?

Methodology

The data presented in this paper are taken from a series of interviews being conducted for a larger research exercise (see Van Zyl 2001). Interviews were conducted with a range of stakeholders over a period of six months. The purpose of these contacts was to develop a preliminary picture of "manhood issues". This process included talking with incarcerated juveniles and adults, custodial staff and judicial officials. This preliminary work was aimed at identifying the background factors related to the imprisonment of these interviewees. About 25 per cent of the sentenced 18–25-year-old Indigenous men in custody (and a similar percentage of juvenile detainees) at the time of the interviews participated in the research (n=35). These respondents were drawn from a total of 12 separate communities.

Findings

What is particularly interesting about the preliminary findings is how consistent they are with other research on marginalised young people (irrespective of jurisdictional or situational context). This is particularly the case with respect to motivations for offending, which appear to predominantly involve fun, peer group alliances and lack of access to other infrastructure (see Lynch & Ogilvie 1999; Ogilvie & Lynch 2001). What is particularly important is that it does not appear that detention itself is a "replacement" rite of passage but, rather, that detention is one aspect of criminal trajectories that are themselves "learning experiences". Detention is thus not a replacement rite of passage,

but rather *another venue* for the construction of identity, as are schools, leisure groups and more general (and "loose") peer interactions.

Adolescent Life in the Remote Northern Territory

What then might the role of detention be for young Indigenous males in these remote communities? In addressing this issue, we need to first understand the context in which custody *may* appear an appealing alternative to the status quo.

When questioned about a "typical day" in the community, respondents reported that it often "really starts" after a late night roaming the community or watching movies. Smoking gunja (marijuana) can often commence quite early in the day (frequently in the company of "mates"). These young people see the days as being marked by boredom or lack of any challenge, and characterised by activities that rarely involve parents or other adult family members.

Of those adolescents in custody within the Northern Territory, the offences for which they are convicted are predominantly property related, and the offending behaviours are typically engaged in with peers. In particular, criminality is embarked upon for "fun" and "adventure". The adolescents interviewed from Territory communities described such activities as car theft (including the stealing of an ambulance) as constituting a welcome break from routine. The theft of a vehicle was considered an adventure, allowing for a demonstration of skill. This was coupled with the experience of excitement and the rush involved in challenging the authorities.

There are, however, important differences with respect to urban and remote communities' experience of criminality and the associated interactions with police. In a remote rural community, the adolescents know they will be caught. They drive a stolen

vehicle around the community for fun until it runs out of fuel, crashes or breaks down. Unless there is a specific life threatening reason, police often will not pursue the offenders because they know “who they are” and “where they will go”. When the additional factor of “honesty” is included in the equation (with many young people readily admitting to offences once the “adventure is over”) it becomes obvious why police clear-up rates in remote Indigenous communities are claimed to be approaching 100 per cent—against urban rates of around 15 per cent for most property-related offences (NAALAS 2000).

It is suggested that for many of these young adolescents from remote communities a criminal record is of little consequence. Even with an unblemished record, the likelihood of a government job is slim, and what employment is available is all too often a temporary Community Development Employment Project (CDEP). A criminal conviction is thus reasonably accurately seen as presenting no real impediment to either future earning capacity or relationship development. Significantly, there is also no real stigma within these small communities attached to having been convicted of a crime. Because the “world” of these adolescents rarely extends beyond the community boundary or the nearest town, the limited negative implications in terms of employment, shame, peer rejection and so on that do exist are largely irrelevant. When ambitions are limited by a (quite realistic) sense that opportunities are highly constrained, it should not be surprising that alternatives to recreational crime are not seriously considered. While driving a Formula One race car may be a *wish* expressed by many of these young men, there is nevertheless a sober appreciation that such an outcome is not actually attainable and so is an irrelevance.

The central theme to emerge in the interviews about life in

custody was that detention provided access to resources that were unavailable within the original communities. The importance of this fact is central in terms of addressing adolescent criminality. For example, school in detention was described as more interesting and rewarding than the “outside” alternative because of its broadness, its focus upon basic individual literacy and numeracy needs, the sporting opportunities and the increased access to outside information such as documentaries and movies. The work within the detention centre was considered hard but rewarding, because it offered a chance to acquire useful new trade skills that the adolescents saw as potentially leading to a “better” future.

There is a crucially important point to be aware of here. While detention may be signalling a new level of maturation, in a manner that is *analogous* to the way entering high school may work for middle class adolescents, there is a vital difference that needs to be recognised. The interviews point to detention being seen by the young people as an opportunity for a *different experience* from that available in the remote communities. This is a critical point because, while there may be issues of status associated with incarceration, the adolescent criminality in the Northern Territory is primarily born out of boredom, resulting from marginalisation and lack of access to resources (see Beresford & Omaji 1996); detention provides an opportunity to experience something new. The attractions of detention (such as the plane ride, the variety of activities, the mates, the enhanced range of food, fun and the opportunity to be stronger and smarter) are therefore seen by some as compelling.

Future Directions

The importance of this in terms of future policies is decisive. If we are content to entertain the idea that detention is a rite of passage that young men in Indigenous

communities actually want as part of becoming a man, we are making assumptions about decision-making by young Indigenous men that excuse us of any responsibility for Indigenous over-representation in our prisons. If, on the other hand, we are prepared to consider that detention may be attractive simply because it represents a desperately needed change in routine for marginalised and disadvantaged young people, we are forced to confront policy development issues that we know will prove “taxing” in every sense of the word.

At present, the popular media (and therefore the public) are reluctant to recognise the demonstrable fact that the number of adolescents in detention is small and that, as a group, they do not represent a major risk to public safety. Over 85 per cent of juveniles appearing in Australian courts will not re-offend to the degree that detention or future adult imprisonment will prove necessary (Carcach & Leverett 1999). However, it is also the case that young people who have experienced detention are much more likely to experience imprisonment in adulthood.

The juvenile detainees interviewed saw their experience as an adventure bringing strength and companionship. This experience unavoidably and inevitably sets the individual apart from those who have not experienced detention and makes “equals” of only those who have shared the experience of incarceration. In this sense, incarceration may well constitute a kind of growing up experience, but the hidden costs of this experience are high for both the young people and the wider community.

If an individual’s most defining experience of growing up is primarily about custody, then it would seem unlikely that such an experience will equip young males for lives outside criminal sub-cultures. In addition, if some individuals are relatively

at ease with the world of prison because “they have been brought up with family members in prison. It holds no fear for them. It’s meeting up with family” (interview in Beresford & Omaji 1996, p. 117), then arguments about the deterrent effect of detention are questionable and, by corollary, the expenditure involved in incarceration needs to be reconsidered with reference to facilitating less destructive modes of growing up.

Taking these factors into consideration, there is a range of research and policy issues that might usefully be addressed. If our working hypothesis is that incarceration has become a *sort of* rite of passage providing for new constructions of self-identity through *communitas*, then there is a need to seriously grapple with how we can satisfy the need for more than boredom and marginalisation. As a first step we need to ascertain whether the elements of character development being associated with imprisonment actually are an extension of traditional rites of passage for Indigenous youth. The Territory interviews give us good reason to believe that what is really happening is that incarceration is being used as a tool by those in marginalised positions to provide themselves with impoverished versions of what is taken for granted by those in more advantaged situations. This is a quite different phenomenon to that of traditional rites of passage.

Research

In terms of research, we need much better information about the *experience* of both criminality and custody for young people living in remote Australian communities, not only in the Northern Territory but also in Western Australia, Queensland and other parts of Australia. We cannot content ourselves with uncritically reiterating the speculative notions of decades past (even if they do possess a superficial plausibility). While it is important to remember that the

majority of young people do *not* become offenders, issues such as background, socioeconomic status, family violence, community and family dysfunction, drug or alcohol use and the breakdown of traditional social controls are all factors we know to be implicated in propelling young people towards periods of incarceration. We should not shirk our responsibility to improve our understanding of how these factors converge in ways that disproportionately disadvantage Indigenous Australians. There are three key questions that need to be addressed:

- *Why is it that some young people never engage in serious criminality?*
If we are to understand whether, why and how detention may serve as a facilitator of a particular form of Indigenous masculinity, we need to understand it in relation to other identities which do *not* rely upon incarceration. For example, what are the factors that impact upon young Indigenous men engaging in law-abiding, socially conformist trajectories? Research of this nature will have critical policy implications in terms of developing frameworks that provide supportive rather than alienating environments.
- *Why is it that most of those who do get into trouble desist from crime and do not reoffend?*
While research into recidivism is longstanding, we still have only limited research into desistance. Given that adolescent incarceration is commonly recognised as a contributor to adult criminality, research investigating what may stymie criminal careers (before incarceration becomes necessary) has enormous future policy potential.
- *What differentiates relatively law-abiding communities from those characterised by wide-spread social disorganisation?*
Thus far, all research into youth crime suggests that a large proportion of criminality is born out of contexts characterised by violence,

boredom and lack of access to social resources. If young people are engaging in crime for the “rush”, the provision of services which provide alternative venues by which to achieve such challenges is critical.

Policy

In terms of policy, we need to construct *real* partnerships between government and communities. It has already been demonstrated that community initiatives which address community concerns tend to have more success than top-down government responses (Memmott et al. 2001). Partnerships must be community-driven, accountable and linked to financial and other benefits for the community in a manner that may provide basic social resources and opportunities currently unavailable to many remote communities.

The level of social disorder in many of these communities is so great that no single or group of solutions exists. Real and accountable partnerships that empower communities to focus on the root causes of their multiple disadvantages will be necessary. In particular, these must address community and family responsibility, recreation opportunities, alcohol abuse, education and learning, and welfare dependency.

Conclusion

The issue of whether or not imprisonment or detention is positive or negative, or equivalent or different to traditional rites of passage, is in the final analysis nonsensical. Indigenous rites of passage are phenomena in and of themselves, which may grow, change or remain constant according to their historical, social and cultural context. These rites are not readily transferable to alternative institutions that have been developed for quite different purposes.

The fact that diverse social processes have some characteristics in common does not mean they are the same or equivalent. While

it has to be conceded that it is not altogether unreasonable to suggest that incarceration serves some functions, roles and rationales *similar* to those of a rite of passage, it is essential that we position this observation within the appropriate social context. The message contained in the Territory interviews is that while detention incorporates some voluntary dimensions associated with a desire to publicly mark the progression into adulthood, this element of voluntarism is the product of a marginalised environment that severely limits the possibilities for choice. Importantly, these consequences or corollaries of marginalisation are not exclusive to the Northern Territory. All Australian jurisdictions face these same problems to a greater or lesser degree. In confronting the question of how best to address Indigenous adolescent offending, there is a need to use the provocative insight of Biles in the early 1980s as a springboard to creative solutions to hitherto intractable problems—not as a pseudo-explanation that absolves us of any need to do the necessary research, develop the necessary policies and sponsor the necessary interventions.

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