

Political Prisoners in Australia?

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The Australian prison system is situated someplace between the punitive turn of the incarceration binge of the United States and its ‘decivilizing processes’ that have been identified by Pratt (2002) and Vaughan (2000), and the best of the Canadian system. What is different in Australia is the size and fragmentary nature of the failure. This is in part attributable to the country’s small population, which is dispersed over eight states and territories, which are formed into a Federation. Prisons are wholly a matter for the states – there are no Federal Prisons. Victoria, the state I am imprisoned in, has an incarceration rate of 191.4 per 100,000, which means that about 4,000 adult prisoners are confined in 13 prisons across the state. The incarceration rate in Victoria is significantly lower than the national Australian average of 307.9 adult prisoners per 100,000 (Department of Justice Victoria, 2007a, p. 12). The conditions in Victoria are modern and prisoners are relatively well treated when viewed against the punitive cauldrons of the American system that is being exported to the rest of the world. Conditions and treatment are generally good, but that does not mean that prisoners here do not live with the omnipresent reality of life-threatening levels of force (Minogue, 2005). Through a combination of silencing and limiting provisions, the Federal State has excluded prisoners from human rights jurisprudence in Australia (Minogue, 2002; *Minogue v HREOC*, 1998). Individual states have a hotchpotch of prison and human rights law, all of which are much more about form than content. As an issue of public or even academic and NGO concern, incarceration is hardly on the radar in Australia as a social or political issue. The low numbers of prisoners dispersed over many small prison sites in each state, a compliant, unquestioning media and an apathetic – or vengeful, when roused by the tabloid media – public all provide a shield that dissuades critical analysis of the practices and outcomes of the prison system.

The standard definition of ‘political prisoner’ is someone imprisoned as a direct result of their political activities or their views, which are counter to the dominant political power. In this narrow reading, there are few, if any, political prisoners in Australia. Even politically motivated protesters opposing governmental policies who battle police in the streets, conscientious objectors of the past or old-style political activists trying to subvert what they see as restrictive electoral laws – all are imprisoned through the framework of the criminal and other laws they allegedly break. But being imprisoned for an offence against the law does not mean that a person cannot be a political prisoner. Even on the standard narrow

definition, to make a judgement as to the ‘political’ nature of a person’s imprisonment, the facts and motivations of the individual case need to be examined.

We can see that the standard narrow definition of ‘political prisoner’ breaks down under its own unthought assumptions. This fact, however, does not seem to be understood by the left in Australia. In the USA and Australia, the Native American leader Leonard Peltier, who is imprisoned for the murder of two FBI agents, is widely understood to be a political prisoner, as is Mumia Abu-Jamal, who has also been convicted of a crime. And when Angela Y. Davis visits Australia, people from the left flock to hear her speak, her political prisoner status coming from a few months on remand for a criminal conspiracy of which she was acquitted. Furthermore, what is recognized in the United States of America but not in Australia is that the way in which a person conducts themselves in prison and on release from prison that contributes to a broader idea of what it is to be a political prisoner, rather than the a narrow focus on the crime that a person was imprisoned for in the first instance. It is this broader conception of ‘political prisoner’ that I am suggesting the left in Australia needs to come to terms with. Both Australians and members of the broader transnational abolitionist movement need to begin asking questions about political prisoners in Australia.

The UCLA academic and founding member of Critical Resistance, Dylan Rodríguez, quoting from an interview with imprisoned Black Panther Marshall Eddie Conway, suggests a conception of ‘political prisoner’ that I will adopt and argue for here, and that is a prisoner who:

...stands up to injustices, a person who for whatever reason takes the position that this or that is wrong, whether they do it based on ideology or they do it based on what they think is morally right [...] people become political prisoners, become conscious and become aware and act and behave based on that awareness after they have been incarcerated for criminal activity... (Rodríguez, 2006, p. 6).

But who are the prisoners in Australia? More than 50 percent of the 4,000 prisoners in Victoria are serving less than two years for non-violent property offences; 14 percent are imprisoned for “offences against good order and Gov’t / security / justice procedures offences” (Department of Justice Victoria, 2007a, pp. 26-27). This last category of prisoner is the fastest growing group, increasing by 4 percent since 2002 (*ibid*). More than 90 percent of prisoners in Victoria have not completed primary or secondary schooling and have no technical, trade, tertiary or other post-

secondary qualifications, and more than 60 percent were unemployed when imprisoned (Department of Justice Victoria, 2007a, pp. 37-38). The statistics tell a story of social disadvantage; stealing to support oneself and family, or the illegality of self-medicating, or acting out due to a mental health crisis in a society with inadequate health services. These are very much political situations. Despite the political milieu that drives the crime and punishment industry, it is not widely understood as a political issue in Australia, as the blame is laid at the feet of the individual, as opposed to the society or politics that create the underlying conditions.

I could argue that a lot of common crime can be read as a political act, even if the actors do not understand it that way, but rather than make that argument here, I will say that despite their origins in what is understood as apolitical criminal activity, there are some men and women in Australia's prisons, mostly those serving long sentences, who conduct themselves in a political way, politicize their imprisonment and following Rodríguez's definition, become political prisoners. The government knows this and they respond in turn by overseeing the management of those on the 'political list'. But few people in mainstream Australian society know anything about this.

A special unit called the Major Offenders Unit ("MOU") has been established by Corrections Victoria to respond to the concerns of the political branches of the government. The MOU manages all aspects of the imprisonment, parole and community corrections for "prisoners who represent a danger to the State", down to the minutia of issues like their "access to: programs, educational courses, cell property, computers, employment, including community work sites and interactive activities", and also provides "Ministerial Briefings and possible Parliamentary Questions pertaining to these offenders" (Department of Justice Victoria, 2007b, s.3.4, pp. 10, 11, 13). In response to any discussion of their political prisoners, the MOU highlights individual crimes and depicts all prisoners as craven selfish actors. Any attempt to ask why crimes are committed, beyond acknowledging individual circumstances, is framed as an insult to the victims and an attempt to circumvent personal responsibility. The statistics and their story of social disadvantage are not even considered once the rhetorical device of the 'offender' "trying to escape responsibility" is thrown into the debate.

Prisoners live in the face of totalizing conditions and unequal power relations that can scarce be imagined by a person who is not confronted with "life threatening levels of force" every moment of their existence (Minogue, 2005, p. 172). To the political prisoner, this imposition of power calls by its very nature for a judgement about its rightness or wrongness to

be made and then for action to resist what is wrong. And these judgements are made by some long-term political prisoners in Australia who resist by working directly with their fellows, by advocating for those who cannot do it for themselves, while also educating and helping others to develop the tools to help themselves deal with the unjust social and legal system that is stacked against them (Minogue, 2008). I say 'long-term' prisoners, as short-term prisoners do not have the time or stability of prison placement to establish themselves to do the work. Political prisoners, like myself, work on the inside as well as on the outside, by participating (remotely) in community education projects and by producing insider information that is used by activists on the outside.

The small size and fragmented nature of the situation in Australia allows a more sophisticated and managed response to issues of crime and imprisonment. Australia is a model for how the political branches of government can make the issue of crime and punishment diffuse. Individual cases come and go, and discussion of the larger issues subsides. Criminal 'offenders' or prisoners are just that – individual criminals. They are not part of the political milieu. So, after being alienated by educational and economic disadvantage, prisoners are further abandoned when so few in the progressive left in Australia are doing anything about addressing the disadvantages they have suffered or improving their conditions of confinement or supporting their work as political prisoners – let alone even acknowledging the existence of Australian political prisoners.

The transnational abolitionist movement needs to appreciate that the Australian model for policing political prisoners through denial and the emphasis on crimes and victims, as opposed to wider issues, can be exported. For this reason, there is a need for the international penal abolitionist community to press those in Australia by problematizing the lack of discussion about political imprisonment and by actively working to support those prisoners whose political actions are contributing, in their own way, to the broader abolitionist cause.

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