

Social Exclusion

The relevance of social exclusion has been considered in *R v Lewis* [2014] NSWSC 1127 and *Kentwell v R (No 2)* [2015] NSWCCA 96.

The purpose of this chapter is to inform the Court of published research, government reports and inquiries, and academic commentary on social exclusion as it was discussed in those cases. This chapter refers primarily to the work of Professor Roy Baumeister as it was applied in *R v Lewis* [2014] NSWSC 1127 at [39]–[43] and *Kentwell v R (No 2)* [2015] NSWCCA 96 at [89]–[94].

Introduction

- 1 In psychological research published in 2005, Baumeister and DeWall remarked on the significance of social exclusion:

Most creatures get what they need to live from their physical surroundings. Humans, in contrast, get what they need from each other and from their culture ... The human psyche is therefore designed with elaborate mechanisms that help it obtain and maintain belongingness. These mechanisms include motivations (e.g. the need to belong), cognitions (e.g. the theory of the mind and social cognition), and self-regulation. Social exclusion is therefore not a misfortune like any other. Rather it seems to violate the very purpose for which the human psyche is designed.¹

Description

- 2 In its 2008 report to the World Health Organization (WHO) Commission on Social Determinants of Health, the WHO Social Exclusion Knowledge Network explained that social exclusion

consists of dynamic, multi-dimensional processes driven by unequal power relationships. These operate across four dimensions – cultural, economic, political and social – and at different levels, including individuals, groups, households, communities, countries and global regions.²

- 3 In the Australian context, the Social Exclusion Monitor considered that social exclusion arises when ‘an individual experiences multiple, overlapping problems

¹ Roy F Baumeister and C Nathan DeWall, ‘The Inner Dimension of Social Exclusion: Intelligent Thought and Self-Regulation Among Rejected Persons’ in Kipling D Williams, Joseph P Forgas and William Von Hippel (eds), *The Social Outcast: Ostracism, Social Exclusion, Rejection, and Bullying* (Taylor & Francis Group, 2005) 53, 71.

² WHO Social Exclusion Knowledge Network, *Understanding and Tackling Social Exclusion* (Final Report, February 2008) 33, 36.

such as unemployment, poor health and inadequate education, which stops them from fully participating in society'.³

- 4 In 2007, the Australian Federal Government identified 'social inclusion' as a central policy issue and, in 2008, the Social Inclusion Board was established. The Social Inclusion Board defined 'social inclusion' as follows:

Being socially included means that people have the resources, opportunities and capabilities they need to:

Learn (participate in education and training);

Work (participate in employment, unpaid or voluntary work including family and carer responsibilities)

Engage (connect with people, use local services and participate in local, cultural, civic and recreational activities); and

Have a voice (influence decisions that affect them).⁴

- 5 In 2011, the Australian Institute of Family Studies reported:

In the Australian policy context, social inclusion has been conceptualised as four key domains of opportunity – the opportunity to:

- participate in society through employment and access to services;
- connect with family, friends and the local community;
- deal with personal crises (e.g., ill health); and
- be heard.

Social exclusion, on the other hand, is defined as the "restriction of access to opportunities and [a] limitation of the capabilities required to capitalise on these [opportunities]". Social exclusion is not the equivalent of poverty (i.e., inadequate economic resources) or deprivation (i.e., an enforced lack of social perceived necessities). Rather, social exclusion is fundamentally about a lack of connectedness and participation.

Social exclusion is a useful concept because it can enrich our understanding of social disadvantage, highlighting, for example, the way in which the experience of disadvantage may not

³ Brotherhood of St Laurence, '[Social Exclusion Monitor](#)' (Web Page) (14 November 2019). The Social Exclusion Monitor is 'an approach to measuring social exclusion in Australia, developed by the Brotherhood of St Laurence and the Melbourne Institute of Applied Economic and Social Research (MIAESR). It uses the annual [Household, Income and Labour Dynamics in Australia \(HILDA\) survey](#) of more than 13,000 people.'

⁴ Australian Social Inclusion Board, [Social Inclusion in Australia: How Australia is Faring](#) (Report, 2nd ed, 2012) cited in Rosalie McLachlan, Geoff Gilfillan and Jenny Gordon, [Deep and Persistent Disadvantage in Australia](#) (Productivity Commission Staff Working Paper, July 2013) 48.

only involve financial difficulties but also extend to a sense of disconnection from the broader community.⁵

Prevalence

6 In 2013, the Productivity Commission noted that:

People at highest risk of experiencing deeper or multiple forms of disadvantage include those who are dependent on income support, unemployed people, Indigenous Australians, people with a long-term health condition or disability, lone parents and people with low educational attainment ... Public housing tenants have high rates of deep and persistent social exclusion ...

Migrants from a non-English speaking background have similar prevalence rates of deep and persistent social exclusion as the average for all Australians, but have a slightly higher income poverty rate. While Indigenous Australians have high rates of deep and persistent social exclusion (more than twice the average prevalence rate), they account for just 5 per cent of all those who are deeply and persistently disadvantaged.⁶

Impacts

7 Social exclusion may have varied impacts on a person, including potential impacts on health and physiology:

Social exclusion increases salivary cortisol levels and blood flow to brain regions associated with physical pain ... The threat of social exclusion also produces sweeping changes in attention, memory, meaningful existence, intelligent thought, self-regulation, and support for one's world view. At a behavioural level, social exclusion causes changes in aggression, mimicry, and prosocial behaviour. This dizzying array of responses to social exclusion supports the premise that it strikes at the core of well-being.⁷

Antisocial behaviours

8 Baumeister and DeWall (2005) have observed that responses to social exclusion may be counter-intuitive and appear self-destructive. Their research found a correlation between social exclusion and antisocial behaviours:

It is easy to propose how people ideally or optimally would respond to social exclusion. They ought to redouble their efforts to secure acceptance. Toward that end, they should reduce their aggressive and antisocial tendencies and increase prosocial behavior. They should improve at self-regulation so as to perform more socially desirable actions. And even if improved social acceptance is not a promising option, they ought at least to become more thoughtful and intelligent

⁵ Myfanwy McDonald, '[Social Exclusion and Social Inclusion: Resources for Child and Family Services](#)' (CAFCA Resource Sheet, May 2011). See also Rosalie McLachlan, Geoff Gilfillan and Jenny Gordon, '[Deep and Persistent Disadvantage in Australia](#)' (Productivity Commission Staff Working Paper, July 2013) 48.

⁶ Rosalie McLachlan, Geoff Gilfillan and Jenny Gordon, '[Deep and Persistent Disadvantage in Australia](#)' (Productivity Commission Staff Working Paper, July 2013) 11–12.

⁷ C Nathan DeWall, '[Looking Back and Forward: Lessons Learned and Moving Ahead](#)' in C Nathan DeWall (ed), *The Oxford Handbook of Social Exclusion* (Oxford University Press, 2013) 301, 302.

and should avoid self-defeating behaviors, so as to fare better on their own if necessary. However, our laboratory studies have found the opposite of all of these to be closer to the truth.⁸

Lack of empathy

- 9 A 2015 study by Twenge et al found that, rather than motivating excluded individuals to modify their behaviour in an effort to achieve acceptance, social exclusion may result in a reduction in prosocial behaviour:

Rather than distress ... social exclusion appears to cause a temporary absence of emotion, rendering the person relatively numb to both physical pain and emotion ... The shutting down of the emotional system may enable the rejected person to avoid feeling terrible, just as the analgesia after physical injury may allow the injured person to finish dealing with a crisis or fight without being sidetracked by intense pain.⁹

- 10 This reaction can create what the authors describe as a ‘temporary social handicap’:

As empathy requires one person to reproduce or simulate another person’s emotions, the emotionally numb (excluded) person will be relatively incapable of empathy. Because prosocial behavior is driven by empathic concern for others, excluded people will cease to act prosocially.¹⁰

Inhibited self-regulation

- 11 Baumeister and DeWall (2005) define self-regulation as the ability to alter or modify one’s thoughts, feelings, or behaviours.¹¹ They describe self-regulation as enabling people to override their naturally self-centred inclinations in order to remain in line with the standards set by their social group:

Complex, intelligent thought and reasoning, restraint of selfish impulses, restraint of aggression, and self-sacrificing prosocial behavior all reflect the ability of the self to renounce immediate gratification and self-interest for the sake of others, which is to be rewarded by belongingness. Satisfying the need to belong is one of the most basic and pervasive human motivations, so it frequently takes precedence over other goals.¹²

- 12 The study found that social exclusion can adversely affect self-regulation:

[S]ocial exclusion represents a powerfully disruptive phenomenon because it undermines the implicit “bargain” on which the entire intrapsychic system is based. The self-restraint and sacrifices that are made for the sake of belongingness are decidedly not worth while if the anticipated reward for belonging is not forthcoming ... As a result, the self’s executive function

⁸ Baumeister and DeWall (n 1) 70.

⁹ Jean M Twenge et al, ‘Social Exclusion Decreases Prosocial Behaviour’ (2007) 91 *Journal of Personality and Social Psychology* 56, 63. See also Baumeister and DeWall (n 1) 71.

¹⁰ Ibid 63.

¹¹ Baumeister and DeWall (n 1) 63.

¹² Ibid 56.

may temporarily cease its normal functions in the immediate aftermath of social rejection. From this perspective, self-regulation will be impaired, leading to impulsive and selfish behaviours.¹³

13 Baumeister and DeWall conclude that:

Self-regulation and cognition, instead of emotion, have emerged from our most recent data as the most important inner processes to change in response to social exclusion. Rejected or excluded people exhibit poorer self-regulation in many spheres. They also show impairments in intelligent thought, though these are limited to forms of thought that are linked to self-regulation (i.e., thinking process that depend on effortful control by the self's executive functioning).¹⁴

14 In a 2011 literature review of social neuroscience research on the psychological components that support the human capacity for self-regulation, Todd Heatherton observed:

As a social species, humans have a fundamental need to belong that encourages behaviors consistent with being a good group member. Being a good group member requires the capacity for self-regulation, which allows people to alter or inhibit behaviors that would place them at risk of exclusion.¹⁵

Increased aggression

15 A 2005 study by Catanese and Tice identified a link between social exclusion and an increase in aggressive responses and behaviours:

The experience of social exclusion makes people hostile and aggressive. Rejection intensifies the typical aggressive responses following provocation, but it also instigates aggressive responses in the absence of any provocation. When people are alienated and excluded from social community the responses are harmful, not only to those individuals but to the community at large.¹⁶

Avoidance behaviours

16 Four 2015 studies by Park and Baumeister found that socially excluded persons may respond by avoiding social situations that give rise to the risk of rejection:

Social rejection is aversive, and so it may not be surprising that rejected persons place emphasis on avoiding further experiences of rejection ... [O]ur findings indicate that excluded people shift their motivational focus toward greater emphasis on prevention [defined to mean the need for security i.e. safety and protection] and less on promotion [defined to mean the need for advancement i.e. nourishment and growth]. Part of this presumably reflects the desire to prevent being rejected again, but the emphasis on prevention went far beyond preventing exclusion. Most likely this shift

¹³ Ibid.

¹⁴ Ibid 71.

¹⁵ Todd F Heatherton, 'Neuroscience of Self-Regulation' (2011) 62 *Annual Review of Psychology* 363.

¹⁶ Kathleen R Catanese and Dianne M Tice, 'The Effect of Rejection on Anti-Social Behaviors: Social Exclusion Produces Aggressive Behaviors' in Kipling D Williams, Joseph P Forgas and William Von Hippel (eds), *The Social Outcast: Ostracism, Social Exclusion, Rejection, and Bullying* (Taylor & Francis Group, 2005) 297, 305.

reflects some deep sensitivity to the fact that lone individuals are vulnerable to all manner of dangers. For a highly social creature such as a human being, social exclusion presents a fundamental problem, ultimately reducing chances for survival and reproduction. That people cope with this vulnerability by emphasizing prevention goals is understandable and may help to explain many seemingly paradoxical findings from past work indicating that rejected persons fail to act in ways that would seemingly promote their various goals — including even the goal of securing social acceptance.¹⁷

Links to Contact with the Criminal Justice System

- 17 Baumeister and DeWall (2005) found that excluded individuals are prone to antisocial behaviours:

We noted earlier that decrements in intelligent thought and self-regulation are maladaptive responses to rejection. The likelihood of social acceptance increases with intelligent, regulated, socially desirable behaviour, and if rejected people would want to gain such acceptance, they should increase those behaviours. But our findings repeatedly indicate they do not. Indeed, our findings suggest that many people may experience a downward spiral in which rejection may lead to socially disvalued behaviour which may, in turn, elicit further rejection.¹⁸

- 18 A 2013 study by Stillman and Baumeister found that ‘[e]vidence indicates that people with relatively low levels of social belonging are more likely to commit crimes and act aggressively’.¹⁹

- 19 Catanese and Tice (2005) note:

At a more individual level, violent young men often report feeling alienated from their families and peer groups. Rejected children are more disruptive and aggressive against other children and bullies also seem to be socially alienated.²⁰

Social Exclusion and Indigenous Peoples

- 20 A 2011 Aboriginal Medical Services Alliance Northern Territory (AMSANT) research paper found:

Racism, discrimination and other forms of social exclusion negatively impact on the sense of control, self-esteem and wellbeing of individuals, and contribute to stress, anxiety, disempowerment and poor physical and mental health outcomes. Recent Australian research

¹⁷ Jina Park and Roy F Baumeister, ‘Social Exclusion Causes a Shift toward Prevention Motivation’ (2015) 56 *Journal of Experimental Social Psychology* 153, 158.

¹⁸ Baumeister and DeWall (n 1) 69.

¹⁹ Tyler F Stillman and Roy F Baumeister, ‘[Social Rejection Reduces Intelligent Thought and Self-Regulation](#)’ in C Nathan DeWall (ed), *The Oxford Handbook of Social Exclusion* (Oxford University Press, 2013) 132, 133.

²⁰ Catanese and Tice (n 16) 298 (citations omitted).

confirms that experiencing racism is associated with poor physical and mental health outcomes for Indigenous people.²¹

21 A 2009 article published by the Australian Institute of Family Studies states:

Indigenous people are among the most socially excluded in Australia. Hunter (1999) demonstrated that Indigenous disadvantage is multidimensional and argued that Indigenous poverty is different to other forms of poverty in Australia in the prevalence and depth of poverty experienced. Furthermore, the multiple disadvantages that are experienced by many, if not most, Indigenous Australians indicate that Indigenous disadvantage is complex and multigenerational and cannot be reduced into one simple static notion of Indigenous poverty.²²

22 A report published by the Social Policy Research Centre at UNSW found that:

The evidence also indicates that groups that are known to be vulnerable to different forms of social distress such as sole parents, people with a disability and Indigenous Australians face very high exclusion rates in some key areas ... The areas where exclusion is most pronounced relate to economic conditions, including joblessness and lack of emergency savings, but large proportions of vulnerable groups (with the notable exception of indigenous Australians) also face exclusion from a number of social activities, including having no regular social contact with other people, not participating in community activities and being unable to pay one's way when out with friends.²³

23 A 2016 paper by Maggie Walters, 'Social Exclusion/Inclusion for Urban Aboriginal and Torres Strait Islander People', notes:

The concepts of social exclusion and its policy ambition, social inclusion, are directly applicable to making sense of the longstanding marginalisation of Aboriginal and Torres Strait Islander people within Australian society. These concepts extend our understanding of Aboriginal and Torres Strait Islander's people's position as being much more than economic disadvantage. Social exclusion not only describes exclusion from social and economic participation, but seeks to understand the dynamic processes behind their creation and reproduction. The complexity and multidimensional nature of social exclusion, therefore, is inclusive of negative social participatory aspects and the diminished citizenship that is inherent in, and compounded by, exclusion from social resources.²⁴

²¹ David Cooper, '[Closing the Gap in Cultural Understanding: Social Determinants of Health in Indigenous Policy in Australia](#)' (AMSANT, Research Paper, 2011), 12–13 (citations omitted).

²² Boyd Hunter '[Indigenous Social Exclusion: Insights and Challenges for the Concept of Social Inclusion](#)' (2009) 82 *Family Matters* 52, 52.

²³ Peter Saunders, Yuvisthi Naidoo and Megan Griffith, '[Towards New Indicators of Disadvantage: Material Deprivation and Social Exclusion](#)' (Social Policy Research Centre Report, November 2007) 80.

²⁴ Maggie Walter, '[Social Exclusion/Inclusion for Urban Aboriginal and Torres Strait Islander People](#)' (2016) 4 *Social Inclusion* 68, 68.