"We are thinking they are helping us, but they are destroying us." – Repairing the legitimacy of Australian government authorities among South Sudanese families

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Abstract

Dealing with a range of government authorities is a reality of daily life for many newly arrived humanitarian immigrants to Australia. In recent years a range of projects to improve relationships with members of the South Sudanese community in Australia have been initiated by the community and governments. Despite these activities, in-depth interviews of more than 35 South Sudanese community members and community development workers find these relationships to be fractured. Government authorities are often experienced by the community as lacking awareness of the unique circumstances and needs of the community, and their actions as unhelpful and inappropriate. Some members of the South Sudanese community questioned the legitimacy and integrity of these organisations and their actions.

But what do members of the community refer to when they question the legitimacy of government authorities acting on their power granted by law? In the view of Suchman (1995), the legitimacy of organisations depends on the degree to which people believe, within their socially constructed system of norms and values, that such organisations act in ways that are proper and appropriate. Thus legitimacy represents the reaction of people to the organisation as they see it. Using this perspective as a theoretical framework, this paper will examine the extent of legitimacy assigned by members of the South Sudanese community to government authorities and will consider strategies for repairing and managing it.

Introduction

The challenges of resettlement in Australia of forced immigrants of southern Sudanese origin are many fold. Of late, there has been a growing body of research exploring the many aspects of this complex experience (Deng and Pienaar 2011; Doney, Eckert, and Pittaway 2010; Hebbani, Obijiofor, and Bristed 2009; Khawaja et al. 2008; Khawaja and Milner 2012; Losoncz 2011; Lucas, Jamali, and Edgar 2011; Marete 2011; Marlowe 2009, 2010, 2011; Milos 2011; Pittaway and Muli 2009; Renzaho et al. 2011; Shakespeare-Finch and Wickham 2010; Hebbani, Obijiofor, and Bristed 2010; Poppitt and Frey 2007; Schweitzer et al. 2006; Schweitzer, Greenslade, and Kagee 2007; Robinson 2001; Wille 2011). This contribution focuses on one of these aspects — the community's concern about losing their parental status and power, their fear of losing their youth to truancy, relaxed morality and crime, and the perceived role of Australian government authorities in relation to these concerns.

The current Sudanese population of Australia is approximately 30,000 people (ABS 2011), most of whom came for resettlement between 2002 and 2008 under Australia's

Humanitarian Program. Many of them are forced immigrants from southern Sudan[1], victims of civil wars between the north and south, and have experienced high levels of loss and grief and spent long periods being displaced or in refugee camps (Browne 2006; Run 2012). Despite these adversities the community has demonstrated significant achievements, and is making an increasing contribution to Australia. At the same time, forced migration and resettlement has placed huge demands on families struggling to adjust to a complex and unfamiliar society with different social rules and values. Family conflict, violence and breakdown are central concerns for the South Sudanese community (Lewig, Arney, and Salveron 2009; Milner and Khawaja 2010; Pittaway and Muli 2009; Taylor and Stanovic 2005) as well as for authorities and organisations working with the community (Department for Community Development Government of Western Australia Family and Domestic Violence Unit 2005; Migrant Information Centre 2008).

A related and important concern for the community is the intervention of government departments and authorities responding to reports of family conflict, including abuse and/or neglect of children. There is a shared concern over the effectiveness and appropriateness of these interventions, and some members of the community also question their legitimacy (Doney, Eckert, and Pittaway 2010; Losoncz 2011; Milos 2011). But what do members of the community refer to when they question the legitimacy of government authorities acting within lawful powers to prevent, or bring to an end, violence within families?

This paper sets out to explore this question. The first part of the paper introduces the theory of institutional legitimacy to provide a theoretical framework for the analysis. In the second part qualitative analysis is applied to the accounts of South Sudanese community members and people working with the community of the perceived legitimacy of Australian authorities responding to allegations of abuse and/or neglect of children. The final section of the paper discusses responses from the community to the apparent low levels of perceived legitimacy and introduces strategies for institutions for repairing and managing legitimacy within the community.

Theoretical framing
The literature on institutional legitimacy distinguishes two main types of legitimacy. One is institutional power authorised by law to exercise power in order to shape people's behaviour. Such institutional power is the reality of social life and is widely accepted (Reus-Smit 2007). The second type of institutional legitimacy is perceived legitimacy. Of late, perceived legitimacy has been recognised as more important for influencing behaviour in a range of fields, such as the activities of regulatory authorities (Ayres and Braithwaite 1992; Braithwaite 2009a; Murphy 2005), procedural justice (Tyler 2006b; Tyler and Blader 2003), groups and organisational settings (Suchman 1995; Tyler and Blader 2005), and the public policy and the political arena (Gibson, Caldiera, and Spence 2003; 2005). This type of legitimacy is granted when people perceive that the authority exercising power is upholding or furthering prized values and goals of the society. A common thread in this research is that while legitimacy built on institutional power provides a means to shape the behaviour of

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[1] Southern Sudan became the independent state of Republic of South Sudan on 9 July 2011.

people on its own, legitimacy built on the perception that the authority is appropriate, proper and just also necessary in order to attract cooperation from people (Tyler 2006a).

Why does legitimacy matter?
The possession and overt use of power by institutions to create and maintain influence over people can be costly and limited in its effectiveness. A more effective way of shaping people's behaviour is by seeking their cooperation and voluntary compliance (Tyler 2008). An extensive review of the psychological literature by Tom Tyler (1997) found perceptions of legitimacy to be a central element in shaping the voluntary behaviour of groups' members. Such cooperation and voluntary behaviour is also essential to the effectiveness of authorities. As explained by Tyler 'because of legitimacy people feel that they ought to defer to decisions and rules following them voluntarily out of obligation rather than out of fear of punishment' (Tyler 2006a, 375), their cooperation with the authority will increase. This sense of legitimacy also supports regulators when using powers of coercion as people are more likely to defer to and accept the authority and the actions it may impose for non-compliance (Braithwaite 2009a).

There are other positive up-shots associated for authorities associated with perceived legitimacy. Typically authorities are called on to make decisions and act in difficult situations in which the decision they deliver inevitably will have negative outcomes for some people. When authorities are seen as legitimate they do not need to justify and fight every decision they make (Tyler 2006a). Thus, managing relationships and utilising the unique values and identities of divergent groups requires government institutions that have legitimacy. But, while often invoked, the legitimacy of authorities and organisations, is less often defined (Terreberry 1968). To address this problem, the next section will consider the work of Mark Suchman on organisational legitimacy.

Definition of organisational legitimacy
Suchman defines legitimacy as a 'generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate with some socially constructed system of norms, values, beliefs, and definitions' (Suchman 1995, 574). Thus, the legitimacy of authorities and organisations depends on the degree to which people believe that such organisations act in ways that are proper and appropriate within their socially constructed system of norms and values. Or as Suchman put it, the legitimacy of organisations is 'possessed objectively, yet created subjectively' (Suchman 1995, 574).

Based on a large literature on organisational psychology Suchman (1995) identifies three primary forms[2] of organisational legitimacy: pragmatic, moral and cognitive. While all three types of legitimacy involve the generalised assumption that the activities of the organisation are proper and appropriate (within the shared values of a social group), they rest on different behavioural dynamics. Pragmatic legitimacy rests on self-interested scrutiny aimed at evaluating the practical consequences that the actions and behaviours of an organisation have on its audience and clients.

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[2] In most real life situations these three types of legitimacy coexist and interact.

Moral legitimacy is a normative evaluation of an organisation and rests on a judgement of whether the activities of the organisation are right or just. Such a judgement usually reflects beliefs about whether the activities 'promote societal welfare, as defined by the audience's socially constructed value system' (Suchman 1995, 579). While such an evaluation is not always interest-free, the core of social legitimacy reflects a pro-social logic, instead of narrow self-interest. The criteria on which moral legitimacy are generally evaluated include what is accomplished, the techniques and procedures used, and the extent to which institutional actors act on collectively valued purposes.

Cognitive legitimacy is based on taken-for-grantedness (generally beyond the reach of most organisations) and comprehensibility. Comprehensibility refers to the extent to which the activity of the organisation is predictable, meaningful and purposeful. These perceptions often stem from existing cultural models that provide plausible rationalisations for the organisation and its actions.

Analysis
Study design
This research paper draws upon extensive fieldwork and qualitative interviews across Australia, between 2010 and 2012, with 31 South Sudanese community members and six Sudanese and non-Sudanese community workers conducted by the author towards her PhD thesis[3]. Interview length ranged from 25 to 90 minutes. Most interviews were voice recorded and transcribed. All the data collection, transcription and analysis was performed by the author. Data was analysed using a thematic analytic approach focusing on identifiable themes and patterns in the text.

Family breakdown and inter-generational conflict
Family breakdown was found to be a serious concern in the South Sudanese community. It centres around the two main areas of gender and inter-generational conflicts, both prompted by new Australian cultural values and a subsequent greater sense of freedom by women and youth who are typically under strong social control in their heritage culture. Participants thought that new Australian cultural values undermined the status and regulatory power of parents, leading to high levels of conflict between parents and children.

The high prevalence of family separation in the community has given rise to high number of children and youth growing up in families headed by a mother. In Sudanese cultures women, including mothers, culturally tend to have lower authority over children than male members of the family, such as fathers and uncles (Deng 1972, 1990). In the view of the community, this lack of male authority in families leads to children and youth strongly challenging the authority of their parents or moving out of home without the approval of their parents.

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[3] Approval was sought and given by the Human Research Ethics Committee, Australian National University.

Sexual morality and the dating culture of youth was another main cause of generational conflict in families. In Australia it is an accepted practice for youth to have romantic interests while pursuing their studies, and without a view of a proximate marriage. Sudanese parents, and at times the youth pursuing these relationships, find it difficult to make sense of these new values. Typically the response from parents who find their daughters pursuing their romantic interests includes severe punishment, which leads to intervention from the authorities.

Another main cause of generational conflict in families, especially for boys, was truancy. Education is highly valued and encouraged in the South Sudanese community and most young people are enthusiastic about the education opportunities in Australia. However, in many instances the schooling system of Australia does not work well for South Sudanese young people and their families, leading to a high levels of truancy (Cassity and Gow 2005).

An additional and critical contributing factor to the loss of parental authority, in the view of the study participants, is interference by government authorities in parental efforts to discipline children. In South Sudan, as in many African cultures, corporal punishment of children is a common and approved method of teaching children and regulating their behaviour, as long as it is done for a reason, and is not needlessly severe. While all participants were aware that corporal punishment that leaves marking, bruising and other injuries may be classified as physical abuse and could lead to intervention by police and/or child protection authorities, most of them also believed that it was their obligation as responsible parents to physically discipline their children to ensure that they turn out well. As explained by one of the participants:

> *You want to teach your child the right thing. Now how can you keep teaching your child the right thing if you just stop beating her? (Male community member)*

Government intervention preventing parents from corporal punishment of children (often without providing what are seen as effective alternatives) was experienced among respondents as depriving them of their parental responsibility for teaching their children good and respectful behaviour. Many parents questioned the appropriateness and legitimacy of government intervention preventing them from exercising their parental rights with the aim of ensuring that their children become successful in their new country. The next section will look at examples of concerns in the South Sudanese community regarding the perceived legitimacy of interventions by government authorities.

Legitimacy of government agencies and authorities
Pragmatic legitimacy
The most tangible form of organisational legitimacy, identified by Suchman, is pragmatic legitimacy—reflecting the self-interested judgement of the consequences of organisational behaviour, or in this case intervention from authorities. Below are some examples of the range of pragmatic consequences experienced by members of the community as a result of intervention by government authorities.

Many of the older children came here with a relative, but don't want to stay with them anymore. So they would ask for emergency accommodation, saying that they are not treated well and not happy there and that kind of stuff. So when they move out they refuse to go to school and the guardian had no choice to control him or her. (Male South Sudanese community worker)

For some families taking away the children also means reduced payment from Centrelink, or going onto a different payment type, such as Newstart Allowance, with more demanding and complex payment requirements and conditions (Female community worker).

In the first quote the community worker describes how families, including extended families, are losing their regulatory power over their children and youth as a direct result of government intervention to assist youth to evade parental and guardian control. Parents and guardians are concerned for their own loss, having lost status and their rights as parents and their control over their children, as well as the negative consequence for their youth who will often drop out of school. Beyond the loss of status as a parent there are more pragmatic results for some parents, such as reduced income benefit payment and more complex eligibility requirements, as explained by the community worker in the second quote.

It is evident from the responses above – which are representative of other survey responses – that the pragmatic consequences of institutional interventions were largely perceived in the community as negative and unhelpful at times even to the children it was designed to protect and assist.

Moral legitimacy

While pragmatic legitimacy is concerned with self-interest or the interest of a group, the core of moral legitimacy is a pro-social rationale concerned with social welfare in general. It is a normative evaluation of, in this instance, the intervention of authorities and what they accomplish, through what means and for what purposes. Participants raised strong concerns about all three of these aspects of intervention by authorities.

The government problem is that their only solution is to stop the parents parenting…. If they take that child away from you, then they have to parent that child and teach that child all the things. But they don't do that. If the government just impose the law, but they don't teach your child, it will just lead to a problem. (Male community member)

In the above quote, the participant reflecting on the intervention of child protection agencies questions both the accomplishments and the procedures of the agencies. The respondent reasons that interventions from agencies are counterproductive as they only stop 'the parents parenting' and create a gap in behaviour management and the teaching of life skills to children.

One community member explained that their 'community leadership tried to intervene and tell the agencies that it is better to work with the parents' as it is culturally more appropriate and would lead to better outcomes for the children.

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But the agencies didn't agree; they said 'we are an independent agency and we are not working for Sudanese only, we are working for all the communities'. They [child protection agencies] listen to the child more than the parent.' (Male community member)

Respondents in the community felt that relying on the account of the child in these cases was procedurally improper. One respondent questioned the purpose of government authorities and their intervention.

We are thinking they are helping us, but they are destroying us. (Female South Sudanese community worker)

Another respondent questioned the integrity of various government and non-government agencies responding to allegations of family violence and neglect. He proposed that rather than considering the best interests of the child they act with the purpose of securing funds for their agencies.

The most challenging thing that we have is the kids. They don't understand their parents and they listen more to agencies working with them. The agencies are supporting and influencing children more than their families. Because they get their funds based on the number of cases they are doing. (Male community member)

In summary, all respondents have questioned, although to a varying degree, if these interventions from Australian government agencies and authorities are morally justified.

Cognitive Legitimacy

The least tangible and perhaps the most difficult legitimacy to achieve for organisations is cognitive legitimacy (Suchman 1995). The focus of cognitive legitimacy in this instance is the extent to which interventions from the authorities are seen as predictable, meaningful and desired. An important point to make here is that this assessment tends to stem from existing cultural models to provide plausible rationalisations for the actions taken by organisations and authorities.

The general sense of the community was that intervention from authorities lacked sense and predictability. Additionally, two of the community workers reflected on rationalisations, in the South Sudanese community, for removing children from families in response to reports of family violence. One East African community worker likened the removal of children by child protection authorities to slavery.

If someone takes your child they rob you, they take him like a slave. (Female community worker)

Slave trade by invaders from the north has a long history in Sudan, at times supported by tribal hostilities and clashes in the south, involving the taking of people and livestock (Jok 2001). More recently, during the second civil war (1983 – 2005), slavery re-emerged along with other atrocities to destabilise the southern Sudanese people. It is estimated that

between 3,000 and 7,000 Dinka were enslaved during the 1980s (African Concord, 1987, cited in Nikkel, 2001, p. 235). These historical and more recent pre-immigration experiences have had a big impact on the collective history and memory of the South Sudanese community. At some level, the removal of children by authorities will inevitably be related to these experiences and helps explain an emotional response and collective sense of injustice and anger.

Another community worker of southern Sudanese origin gave a more detailed account of one particular rationalisation in the community of intervention from child protection authorities. During my fieldwork in the community I heard references to children being taken away by *corrupt* government institutions and officials in Australia. I asked one of the community workers if some people in his community strongly believed this to be the case.

> *Yes, some people really believe it. Because the system of the government and the police in Africa is not like here. …the Government in Africa is very corrupt so when they take the kid in here, they think that the government took the kid because they want to take all the black children away from their families, so that your children will not care for you. So that's what some people have in their mind. And when they see these movies about the government taking away Aboriginal children they think that that's what the government is doing to them now. It is a sad situation. (Male South Sudanese community worker)*

The above quotes reveal how South Sudanese and other immigrants coming to a new and at times confusing social world from countries with substantially different social systems, values and institutions can struggle to arrange their experiences with regulatory authorities in their resettlement country into a coherent account. In response they construct the meaning of their interaction with authorities based on their cultural values, norms and beliefs, which are often inaccurate in their new social setting. Importantly, some of these rationalisations in the community may not be revealed to Australian authorities.

Discussion

The current research found a strong concern among South Sudanese parents about losing their regulatory power over their children in Australia. The main cause of this loss, in the view of the community, is a greater sense of freedom by youth coupled with government authorities interfering with parental discipline and undermining parents' control of their youth.

Similar concerns were observed by Ong among Cambodian parents in the USA a couple of decades ago. Cambodian refugee parents had great difficulty reconciling themselves to non-corporal techniques of disciplining children. American social workers sought to promote a parent-child relationship based on American norms and values. Parents felt demoralised by the sudden loss of their own rights in the matter and have subsequently withdrew from their parenting role, leading to a vacuum in regulating and mentoring their children and youth (Ong 2003). The responses of the South Sudanese parents in Australia are similar. Some members of the Australian South Sudanese community think that interventions from authorities to prevent what government agencies characterise as abuse, is an attack which destroys their authority and responsibility as parents. By feeling required to refrain from

physically punishing their children, some parents felt forced to refrain from all forms of discipline. They responded by capitulating to the demands of authorities.

Capitulation is one of the motivational postures identified in the work of Valerie Braithwaite explaining people's response to authorities. She found that when encountering authority people adopt different motivational postures[4]—a composite of attitudes, beliefs and preferences reflecting how they position themselves in relation to authority (Braithwaite 2003b; 2009a). Capitulation is compliance oriented and accepts the power of authorities in order to get along with them. It generally rests on a positive relationship with authorities, without too much concern regarding their purposefulness or ultimate goals (Braithwaite 2009a).

In the general population, those choosing capitulation tend to have relatively little concern for perceived legitimacy. But among South Sudanese parents, capitulation to authorities is characterised differently. Perceived legitimacy is an important consideration for the community. However most see the intervention of authorities as inappropriate and undesirable and do not see their moral value. Although concerns over pragmatic legitimacy were more broadly shared than questions of moral and cognitive legitimacy, it was the latter that triggered the strongest responses from the community, including a sense of injustice and despair. This finding corresponds with the work of Suchman (1995), suggesting that in moving from the pragmatic to the moral to the cognitive, organisational legitimacy becomes more subtle, but also more powerful in terms of the responses from stakeholders.

At large, Sudanese families rejected the authorities' pragmatic, moral and cognitive legitimacy, but rather than voicing their resistance,[5] they submitted to the power of authorities without a commitment to the goals or objectives of those authorities. This absence of commitment reflects a failure to arrange their experiences with Australian regulatory authorities into a coherent account consistent with their cultural norms and beliefs. Many parents remained confused about the intent and purpose of interventions by authorities. They cannot make sense of why their parenting efforts are not supported, but rather were opposed by Australian law and government authorities. In response they withdrew all their regulatory efforts leaving a vacuum in the behaviour management and mentoring of their youth who were learning and testing their liberties and responsibilities in their new environment.

So how can Australian authorities and the South Sudanese community move towards a more positive relationship with better outcomes for families? To begin with, organisations and authorities working with the Sudanese community need to consider the importance of perceived legitimacy. People are more likely to cooperate with organisations and authorities when they see them as legitimate, not simply due to their possession of power authorised by law, but by acting in ways that are proper, appropriate and meaningful. There is an

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[4] The five motivational postures are commitment, capitulation, resistance, disengagement and game-playing.

[5] A paper exploring reasons for withholding resistance is currently under development by the author.

increased recognition that rather than being a possession of organisations, legitimacy represents a relationship with stakeholders of organisations. Thus organisations and authorities working with the community should have strategies in place to check the interpretations, rationalisation and perceived moral value of their actions. As argued by Braithwaite in her work on compliance, authorities regularly have to ask and check how people regard their moral obligations and have to convince people of the benefits of their law (Braithwaite 2009a, 2009b; 2010).

In the case of the South Sudanese families of Australia, misunderstandings about the purpose, appropriateness and value of interventions from government authorities results in a lack of commitment to the goals and objectives of the authorities. The current paper argues that this absence of commitment to the goals and objectives of authorities, and subsequent questioning of their moral and cognitive legitimacy, is an important contributing factor to a vacuum in behaviour management and mentoring of South Sudanese youth. Thus, Australian government agencies and authorities working with the Sudanese community should commit to exploring and implementing a range of strategies to clarify their aims and purpose to Sudanese families to the point where families and the community are convinced of the benefits of compliance and consider the actions of government agencies to be desirable, proper and appropriate.

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