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Editorial Note for the Special Edition - Decolonising Criminal Justice: Indigenous Perspectives on Social Harm

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Abstract

Kia ora, and welcome to the Journal of Global Indigeneity's special edition on 'Decolonising Criminal Justice: Indigenous Perspectives on Social Harm'. The six papers included in the special edition are based on presentations and discussions that took place at a Forum for Indigenous Research Excellence (FIRE) symposium of the same name, held at the University of Wollongong, Australia, on the 24-25 November 2016.

Juan Marcellus Tauri

**Editorial Note for the Special Edition - Decolonising Criminal Justice: Indigenous
Perspectives on Social Harm**

Kia ora, and welcome to the *Journal of Global Indigeneity's* special edition on 'Decolonising Criminal Justice: Indigenous Perspectives on Social Harm'. The six papers included in the special edition are based on presentations and discussions that took place at a Forum for Indigenous Research Excellence (FIRE) symposium of the same name, held at the University of Wollongong, Australia, on the 24-25 November 2016.

Before we introduce the papers, I would like to take the opportunity to provide some background on the symposium itself.

The Symposium

The process through which the symposium came about, highlights many of the issues covered in some of the contributions included in the special edition, especially those by Biko Agozino, myself, and Amanda Porter. These contributions contain a number of criticisms of the way(s) in which criminology is practiced in settler colonial contexts like New Zealand and Australia. Their critique reveals a discipline made up largely of white, middle class academics, many of whom appear woefully ignorant of the colonial underpinnings of the discipline. Some also appear to be blind to the disciplines role as a contemporary colonial project in support of the settler colonial state's subjugation of Indigenous peoples. The development of the symposium also revealed the extent to which some non-Indigenous criminologists over-value their perspectives about and approach to 'knowing' the 'Indigenous

situation’, while under-valuing, and in some cases undermining, the work of Indigenous scholars and our critical non-Indigenous allies.

Although the symposium was hosted by FIRE and held at the University of Wollongong, the original idea for the symposium came about during a discussion I had in 2015 with a colleague employed at another Australian university. During a phone conversation about mainstream criminology’s approach to Indigenous issues we concluded that one of the reasons why research by Australasian criminologists on Indigenous issues was so poor, was because it was largely dominated by a group of scholars who rarely engaged directly with Indigenous peoples. Instead, they preferred to perform statistical analysis from the safety of their office, or privilege what my colleague Dr Antje Deckert calls ‘disengaging methodologies’. And yet, these ‘practitioners of Indigenous justice research’, as I heard one describe herself in 2011, are often regarded by the wider discipline and the policy sector, as *the* ‘experts’ on Indigenous people and crime. It is their scholarship that is often used to inform policy and the development of crime control interventions directed at Indigenous peoples.

Near the end of this conversation, my colleague suggested we organise a symposium on Indigenous perspectives on criminal justice and criminology. He stated that the symposium would provide a forum that ‘privileged Indigenous experiences and perspectives in criminological discourse on Indigenous issues’, something that rarely happens in Australia (although slightly more frequently in New Zealand). He then argued that the event would afford non-Indigenous ‘experts’ on Indigenous justice the opportunity to engage directly with Indigenous scholars and their research. Sadly, the funding application my colleague and I

made to his department for funding was rejected, despite initial enthusiasm for the idea when it was first mooted.

The reasons given for the eventual withdrawal of support speaks volumes about mainstream criminology's approach to Indigenous issues. It also underlines why events like the FIRE symposium and this special edition are necessary at this time. As stated above, the idea for the symposium was originally met with enthusiasm by senior members of staff. But after months went by and no decision made on the application, my colleague enquired as to its status, at which time he was informed that the 'thinking had changed'. Apparently a group of scholars doing research on Aboriginal peoples and crime was being or had been formed, and they had signalled that they were interested in holding their own symposium. One of the key reasons given for supporting the alternative symposium was that it would afford members of the group, most of whom were non-Indigenous scholars, the opportunity to present their work. This was a significant point of difference because as stated previously, one of the key principles of our symposium was that it would privilege the work of Indigenous scholars. Why? Because we wanted to avoid the pattern we had seen too often at conferences held by the Australian and New Zealand Society of Criminology where the majority of speakers on Indigenous justice panels, and often all of them, are non-Indigenous scholars.

Now back to the symposium: in moving their support to the symposium being touted by the new group, senior managers argued that as its members 'did Indigenous justice' they should be allowed to talk about their research. At this point my colleague reiterated the reasons for the 'privileging the Indigenous voice' principle that formed the rationale for our approach, to which he was told that Indigenous scholars would be invited to participate, probably on a special panel.

The response of officials at the Australian university to our application for funding for the symposium, fully justifies the reasons we had for proposing it in the first place; namely our desire to combat the preference shown by mainstream Australasian criminology for privileging the non-Indigenous 'expert'. We were also driven by a need to challenge their readiness to marginalise the Indigenous voice, usually in the form of a token keynote speaker here, or a dedicated panel there. After he had been informed that support for our proposal had been withdrawn, my colleague emailed me, telling me of his disappointment. Sadly, having had years of experience of the marginalising practices of criminologists in Australasia, I reminded him that while we were working on the proposal I had said that I would be surprised if it was approved.

In the end, the decision by officials to reject our funding application proved to be a blessing in disguise. As soon as I was informed of the decision I asked my colleague if he was ok with me finding another home for the symposium. With his support I approached Professor Bronwyn Carlson, then convenor of FIRE in the Faculty of Law, Humanities and Arts at the University of Wollongong. Bronwyn agreed to support the symposium, funding was secured, and the symposium took place in late November of 2016.

All of us involved in the symposium and the special edition, hope that the scholarship contained in this publication, will make a valuable contribution to the work being done by Indigenous scholars and our non-Indigenous allies; work that is aimed at rectifying the current deficit that exists in mainstream criminology's attitude and behaviour towards Indigenous peoples. The nature and extent of this deficit is exemplified by the fact that none of the experts on the Australian university's Aboriginal crime 'group' attended the FIRE symposium to engage with the scholarship of Agozino, Moana Jackson, and Juanita

Sherwood. Not one. Mind you, the same can be said of the wider ANZSOC community, very few of whom also attended, apart from Chris Cunneen, Antje Deckert and Leanne Weber, whose contribution over the two days was much appreciated by all.

The six papers that make up the special edition all share a common theme, namely the critique of settler colonial crime control and its nefarious impact on Indigenous peoples. In the opening paper *The Withering Away of the Law: An Indigenous Perspective on the Decolonisation of the Criminal Justice System and Criminology*, the Nigerian scholar Biko Agozino makes a nuanced plea for the discipline to shed its colonising cloak and join critical scholars in withering away law and opening up avenues for the decriminalisation of our peoples, and the decolonisation of the discipline itself. In *The Master's Tools Will Never Dismantle the Master's House: An Indigenous Critique of Criminology*, I contemplate the development of a totally separate Indigenous criminology in the face of evidence that mainstream Australasian criminology is anathema to Indigenous self-determination. In their respective papers *Sentencing, Punishment and Indigenous People in Australia* and *Rethinking the Utility of the Risk Factors and Criminogenic Needs Approaches in Aotearoa New Zealand*, Chris Cunneen and Robert Webb reveal the impact on Indigenous peoples of the criminal justice systems use of systems and processes designed without consideration of the colonial context, or the intersectional complexity of Indigenous over-representation. Thalia Anthony and Juanita Sherwood's contribution *Post-disciplinary Responses to Positivism's Punitiveness*, provides a useful demonstration of the often vast differences that exist between 'mainstream' criminological research undertaken 'with the state in mind', and that which is undertaken in *collaboration* with Indigenous peoples, and designed to support their self-determination. And last, but definitely not least, we have Amanda Porter's contribution, *Special Edition: Interrogating Methodologies*, a mock 'special edition' for a mainstream

Australasian journal that directly challenges many of the behaviours and attitudes of non-Indigenous criminologists that we Indigenous scholars, and our communities, experience every day.

Once again, welcome to the Special Edition and I hope you find the scholarship contained within, worthy of your time.

Juan Marcellus Tauri

Contributors' notes

Dr Biko Agozino

Biko Agozino is a Professor of Sociology and Africana Studies, Virginia Tech, Blacksburg, VA. He is the author of the following books - *Critical, Creative and Centered Scholar-Activism: The Fourth Dimensionalism of Agwuncha Arthur Nwankwo* (2016, FDP); *ADAM: Africana Drug-Free Alternative Medicine*, (2006, Omala); *Counter-Colonial Criminology: A Critique of Imperialist Reason*, (2003, Pluto Press), and *Pan African Issues in Crime and Justice*, co-edited, (2004, Ashgate). Biko was the Director-Producer of *CLR James: The Black Jacobins Sociology Series*, (2008); and Director-Producer, 'Shouters and the Control Freak Empire', winner of the Best International Short Documentary, Columbia Gorge Film Festival, USA, (2011). Biko is also Editor-In-Chief of the *African Journal of Criminology and Justice Studies*, and Series Editor, Ashgate Publishers Interdisciplinary Research Series in Ethnic, Gender and Class Relations. Biko was awarded a Ph.D. from Edinburgh; an MPhil from Cambridge, and a B.Sc. First Class Hons from Calabar.

Associate Professor Thalia Anthony

Dr Thalia Anthony is an Associate Professor in Law at the University of Technology Sydney. Over the past decade she has provided an analysis of sentencing of Indigenous people that critiques the courts' colonial gaze. In 2013 she published her widely-reviewed monograph *Indigenous People, Crime and Punishment*, and is currently working on two Australian Research Council projects on Indigenous justice issues, with Juanita Sherwood, Larissa Behrendt and Harry Blagg. Thalia's activism, especially with women at Redfern, Sydney, informs her research and perception of change.

Professor Chris Cunneen

Chris Cunneen is Professor of Criminology at the University of Technology Sydney, Sydney, Australia. He has an international reputation as a leading criminologist specialising in Indigenous people and the law, juvenile justice, restorative justice, policing, prison issues and human rights. His most recent book (With Tauri) is *Indigenous Criminology*, published in 2016. Chris has participated with a number of Australian Royal Commissions and Human Rights Commission Inquiries. He also holds a conjoint position with the Cairns Institute at James Cook University, and is a Fellow of the Academy of the Social Sciences in Australia.

Dr Amanda Porter

Dr Porter is an early-career researcher at Jumbunna Indigenous House of Learning, the University of Technology Sydney. Her research and publications to date have focused primarily on policing, with a particular focus on deaths in police custody, police reform, alternative policing and night patrols. She obtained a Doctorate in Law from the University of Sydney in 2014 and has a Bachelor of Arts and Laws (Honours) from the same university. Dr Porter is a descendant of the Brinja clan of the Yuin nation in South Coast, New South Wales, Australia.

Professor Juanita Sherwood

Professor Juanita Sherwood is the Academic Director of the National Centre for Cultural Competence at the University of Sydney. She is a proud Wiradjuri woman who has shaped the field of decolonisation in tertiary education and health research and practice. She has published widely in the fields of Indigenous health, education and ethics, and is the recipient of a number of national competitive grants in education and health. She is currently working on an Australian Research Council grant, with Thalia, on Indigenous approaches to safety and

wellbeing and the perils of government interventions. An integral aspect of Juanita's work is building on the strengths of Indigenous women.

Dr Juan Marcellus Tauri

Juan is a Ngati Porou criminologist and activist from Aotearoa New Zealand, and lecturer in criminology in the School of Health and Society, University of Wollongong, Australia. Juan is a critical commentator on criminal justice matters of importance to Indigenous peoples, including state responses, policy making, and media representation of crime and the Indigenous world. Juan has published widely and recently co-edited a special issue of the *African Journal of Criminology and Justice Studies* on 'Indigenous Perspectives and Counter Colonial Criminology', and along with Professor Chris Cunneen, in 2016 published *Indigenous Criminology*.

Dr Robert Webb

Robert Webb is a senior lecturer in Sociology and Criminology, the School of Social Sciences, Te Pokapū Pūtaiao Pāpori, University of Auckland. His research interests include Indigenous criminology, state criminal justice policies and Māori, Youth justice and Māori social issues.