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The Withering Away of the Law: An Indigenous Perspective on the Decolonisation of the Criminal Justice System and Criminology

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Biko Agozino

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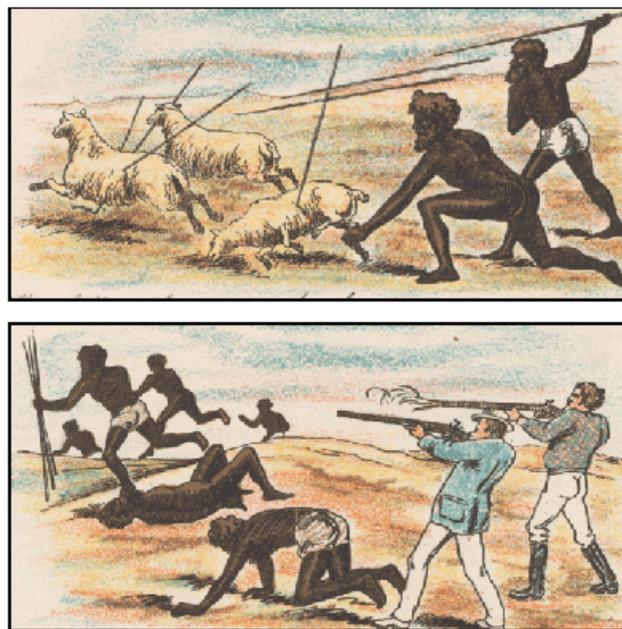
Abstract

The decolonisation of criminology should not be seen as an event marked by the publication of an eponymous text, rather it should be seen as the scholar-activism that is on-going especially in the face of the reality that postcolonialism appears to be giving way to the project of recolonisation. Moreover, the struggle for decolonisation continues due to the fact that the postcolonial does not capture adequately the ambition of permanence in settler colonialism. Imperialism is stubbornly intolerant of decolonisation especially in an exclusionary scholarly field like criminology that remains under the dominance of patriarchal white supremacist imperialist thought. Like all Eurocentric disciplines, Criminology demands the ‘submission’ of critical Indigenous scholars as a condition for toleration and tokenistic rewards by the ‘guild masters’ in the discipline with the institutionalised racist-sexist-imperialist power to pass or fail, award or deny grants, publish or perish, approve policies or criminalise Others. As a consequence, most of the former colonised locations have failed to develop teaching in criminology with the exception of settler colonial locations where the discipline is booming even while Indigenous scholars continue to be marginalised everywhere (Agozino 2003, Deckert 2014, Feagin, et al 2014, Cunneen & Tauri 2016).

Introduction

In their ground-breaking text, Cunneen and Tauri (2016) *Indigenous Criminology*, follow Moana Jackson (2009) on the mythology that natives deserved genocidal policy due to their inherent possession of ‘Warrior Genes’, and my *Counter-Colonial Criminology* (Agozino 2003) to make an explicit and unapologetic call for the decolonisation of criminology and criminal justice. This call was tentatively raised in the subtitle of my book on *Black Women and the Criminal Justice System: Towards the Decolonisation of Victimisation* (Agozino 1997) and it was immediately hailed by colleagues as innovating the ‘decolonisation

paradigm' in Criminology. The perspective was developed further in my critically acclaimed work, *Counter-Colonial Criminology: A Critique of Imperialist Reason*, the tenth anniversary of which was honoured with a special edition of *The African Journal of Criminology and Justice Studies*, guest-edited by Dr. Juan Tauri and Dr. Antje Deckert with a focus on Indigenous criminology (Tauri & Deckert 2014). The decolonisation paradigm is so hegemonic today that there are calls for the decolonisation of almost every field in academia especially in the social sciences.



"... the revenge of the Whites, as they are hunted down and shot like dogs"

Lithographs by Alfred Scott Broad (1854-1929)

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In this paper, I propose to go beyond the withering critique of criminology and *criminal* justice systems (Agozino 2010) to apply the decolonisation paradigm to Indigenous knowledge systems by invoking the revolutionary theory of 'the withering away of the law' to theorise what a decolonised criminal justice system would look like from the perspective of Indigenous people who thrived for millennia without the commodity fetishism of criminalisation and incarceration and who have continued to bear the brunt of the social harms imposed by the authoritarian western modernism which also facilitates what Frank Pearce (1976) analysed as *Crimes of the Powerful* with clues to how society should react to

the crimes of the relatively powerless. The irony that decolonisation and postcolonialism do not mean the end of imperialism will serve as a rallying call for critical Indigenous criminologists to remain vigilant against the ever-present efforts to recolonise the decolonised and deploy finance capital to control the nominally independent subject through the extensive use of rewards and rejections. Fire upon that, as the Rasta would say in the Caribbean.

The Colonial Model

The colonial model in criminology is associated with the work of Frantz Fanon (1963) and this model has been adopted by many African American criminologists under the assumption that people of African descent have been treated as a colonised people in the US. My own work has also been characterised as a contribution to the colonial model (Gabbidon 2010, Onyeozili 2005) while others classify my work as developing the decolonisation paradigm (Onwudiwe 2000) and yet others identifying my work with the origin of postcolonial criminology (Oriola 2006). Fanon applied his knowledge of psychiatry to help explain why colonised people who were subjected to violent oppression eventually adopt the violent methods of the colonisers in the struggle for decolonisation. Many critics conclude from this that Fanon was prescribing violence as the only strategy for decolonisation. In my opinion, Fanon was saying why people under oppression adopt violent strategies; he was not saying why oppressed people must adopt violent strategies. As a matter of fact, he regarded the violent strategies of the oppressors and the oppressed to be indicative of mental illness for he was tasked with healing the torture victims that were driven insane as well as the torturers who went home from work and tortured their own families too. The conclusion of Fanon was that the colonised should avoid trying to be like Europe given that Europeans like to talk about human rights while committing abominations against human beings wherever they were found. Walter Rodney (1972) observed that the maintenance of law and order under the

colonial situation equalled the maintenance of conditions optimal for the exploitation of the colonised.

Rather than seek vengeance or punishment against the former colonisers or against settler colonisers, Fanon warned against trying to exclude people based on origin because he predicted that even after the colonisers had been forced to withdraw, intolerance based on national consciousness could be extended to fellow natives based on the mythologies of origin. Fanon preferred that reparations should be offered as a matter of right to those who were victimized by colonialism and he recommended the use of literature to develop revolutionary consciousness, the mobilisation of the countryside, and the prevention of the emergence of a phantom bourgeoisie interested only in taking over the oppressive positions of the colonisers in the postcolonial era.

The prediction of Fanon regarding the pitfalls of national consciousness has been fulfilled by the genocidal neo-colonial states in Africa that have specialised in the killing of fellow Africans at rates unprecedented even under colonialism. Hence Kwame Nkrumah (1965) concluded that neo-colonialism was the last stage of imperialism – the highest stage of capitalism – that did not require physical conquest, occupation, or settlerism to effect the expropriation of surplus value through the force of finance capital. In Africa, the postcolonial genocidal state was launched with the genocidal war by Nigeria against the Igbo during which 3.1 million people were killed in 30 months mainly through the use of ‘starvation as a legitimate weapon of war’ but also through the generous supply of weapons of mass destruction by the UK and the USSR to the Nigerian government (Achebe 2012, Ekwe-Ekwe 2006). The fact that the Igbo survived the genocide without seeking vengeance or punishment also goes to support the recommendation of Fanon that reparative justice would be more

effective than punitive justice from the perspective of Indigenous people. The genocidal wars in Rwanda, the Sudan, the Congo, Liberia, Sierra Leone, Somalia and Ivory Coast, just like the ‘tribal’ wars between gangs in the inner cities of North and South America and in the Caribbean, involving many people of African descent, and the Middle East conflict, also serve to warn us away from the obsession with the punishment of offenders as Fanon cautioned against.

The problem with the postcolonial paradigm is that it tends to concentrate on a critique of the colonial model without adequate attention to the persistence of colonialism in the form of imperialism or finance capital (Chibber 2012). Even the term, decolonisation, embodies the essence of the colonial just as the term, postcolonial or neo-colonial. In India where the postcolonial critique of western thought has thrived, a more urgent critique of the caste system and or oriental despotism is relatively lacking in a country where women risk being raped on public buses, poverty and illiteracy abide massively, and the Dalit risk being beheaded by Hindu nationalists for such affronts as skinning a dead cow or using a public mill to process some corn. While India and Pakistan stare each other down with nuclear weapons, subaltern theorists obsess over whether Marx is a western thinker completely irrelevant to the contradictions in postcolonial locations as if subalterns need no Enlightenment (Chibber 2012). The decolonisation of criminology may not be our ultimate goal, the destination may be deeper democratisation of the world in which even some Indigenous institutional practices like patriarchy and feudalism are despotic enough to demand increased decolonisation especially because they were articulated, disarticulated and rearticulated with white supremacist imperialism through centuries of domination.

The Decolonisation Model

“Colonialism is extremely contrary to humanity. There is no colonialism that is humane, no colonialism that is democratic”, proclaimed Samora Machel (1975, pp. 67-83). The criminal justice system aspires to democratise the systems of domination by providing for trials by a jury of peers; though jury trials are extremely rare given that plea bargaining appears to be the norm in the vast majority of cases involving the poor. Criminology recognises that the criminal justice system is full of flaws but the discipline aspires to provide scientific theories and evidence-based educational programs to help society punish better by determining what is a ‘just measure of pain’ to be inflicted upon those found guilty of criminal offenses and reward those who accept the doctrines of law and order from the perspective of white supremacist patriarchal imperialism. Colonialism itself represents itself as a rule-governed system that was designed to civilise the colonised by replacing the supposedly existing ‘Asiatic despotism’ with the rule of law. But colonialism was a system of barbarism that brazenly committed genocide, fraud, slavery, dispossession, expropriation, robbery, mis-education and brigandage in the interest of the coloniser (Rodney 1972, Nkrumah 1965, Fanon 1963). The alliance of criminology with colonialism was concealed in the history of the discipline as criminologists completely ignored the crimes of colonialism and the epochal struggles for decolonisation while focusing on street crimes to develop theories of the punishment of individual offenders, thereby relatively stunting the growth of the discipline by excluding the decolonised experiences of the colonised and by attempting to silence the perspectives of subaltern scholar-activists. The colonial system rewards obedient criminologists by representing them as value-free experts offering objective analysis of the conflicts between the one per cent and the 99 per cent all over the world with the former always seen as the good guys who deserve to get richer while the latter are seen as the lazy

never-do-wells who deserve prison and death, illiteracy, unemployment, police violence, and loss of control over their land.

During my research on *Black Women and the Criminal Justice System*, I was surprised to learn that black women did not have to break the law in order to become the targets of punitive measures in the inner city locations of London, UK. There was abundant evidence that black women who were proximate to suspected black men were regarded as legitimate targets of repressive criminal justice actions even when they themselves were not suspects or they were given excessive punishment when they were suspected to have conspired with suspected black men to break the law. I did not find cases where black men were targeted just because black women were the primary suspects and I did not find cases of white women being targeted because of the suspicion of white men close to them, unless such white women were proximate to black men as wives, girlfriends, or mothers. The only exception was the routine suspicion of Irish women whenever the Irish Republican Army conducted a bombing during the troubles but that was exceptional because there was a war between the IRA and the British authorities whereas no war had been declared against British authorities by black people. The findings by Cunneen and Tauri (2016) that Indigenous women were the most incarcerated group of people in the world may have something to do with what I found to be the practice of guilt by association, victimisation-as-mere-punishment or the punishment of the innocent in the criminal justice system that otherwise claims to focus on the punishment of individual offenders. The theory of articulation or intersectionality remains relevant in explaining the practice of patriarchal-white-supremacist-imperialism in the criminal justice systems of settler colonial locations and postcolonial locations still under the control of the imperialist reason of authoritarian criminology and white supremacist literature generally (Said 1993).

The Articulation Model

The theory of articulation derives from *Capital* by Karl Marx (1954) with emphasis on the observation by Marx that race was also part of the institutional conditions that people did not choose in their struggles to make history (Agozino, 2014b). Given that ‘the hunting of labour in black skin’ in Africa was integral to the primitive accumulation of capital by the European bourgeoisie, Marx concluded that the proletariat should model their struggles against capitalism on the struggle against slavery by people of African descent and their allies, not vice versa. This theory was applied to the exploitation of cheap labour in apartheid South Africa by Harold Wolpe (1972) who demonstrated that the capitalist mode of production was articulated with the pre-capitalist mode of production since the migrant mine workers were forced to return to their villages to support their extended families with their meagre incomes. It would be absurd to say that capitalist exploitation of labour explained all the oppression of black Africans in South Africa as some crude economism Marxists would have it with exclusive focus on class conflict. The white working class was seduced with white privilege and white supremacy to ally themselves with the capitalists that exploited all working people. Thus racism was articulated with class exploitation and with sexism to keep the labour of black Africans cheap and ensure maximum expropriation of surplus values in the form of profits for the disproportionately white male capitalist class while relatively rewarding patriarchal black Africans who joined white men in the oppression of poor black women (Fanon, 1963). Thus, according to Amilcar Cabral (1970, p. 3), the system of apartheid was “...created, applied and developed on the basis of the economic and political domination of the people of Southern Africa by a racist minority, with all the outrageous crimes against humanity which that involves”. It was not only about class exploitation, nor exclusively about racism, it was the articulation of race-class-gender oppression under the domination of

imperialism as South African students realized in 2015 when they started agitating for the decolonisation of universities in the post-apartheid country, but without enough attention to the global African presence since the protesting students did not adequately link their struggle with the struggles of Black African immigrants being attacked in their country nor with the struggles of African Americans against police brutality (Helata 2016).

Stuart Hall (1980) abstracted this theory from the settler colonial situation of apartheid and applied it to the authoritarian populism of Thatcherism in the UK to demonstrate that a single identity, say blackness or whiteness, maleness or femaleness, richness or poverty, was no longer enough to explain the outcome for any individual or group of people, if ever it was. Articulation of social relations explains why even a black professor would be viewed suspiciously by white colleagues if he/she opposes white supremacy and patriarchy along with poverty; whereas a poor white man or white woman living in a council estate would vote for Margaret Thatcher and the Conservative Party, for Donald Trump and the Republican Party or for the right-wing Australian regimes, or for Stephen Harper in Canada perhaps because the alternative parties failed to present hegemonic alternatives to the little Englandism, the white Australianism, and the American white power ideologies of the dying imperialism. Part of the reasons why authoritarian populism remained dominant in criminology for so long was because critical Indigenous scholars did not adequately develop an alternative paradigm for the benefit of all, despite efforts like those of Stan Cohen (1988) against criminology itself.

The point made by Hall is that the culture of imperialism did not affect only the colonised adversely. The working poor in the metropolis also faced the adverse consequences of *Drifting into a Law and Order Society* (Hall 1979) and the consequences of *Policing the*

Crisis (Hall, et al 1978). It is true that black immigrants in the inner cities were over-represented in deaths in custody and in prisons but the vast majority of the incarcerated were poor whites, calling for the building of broad coalitions along race-class-gender articulation axes for effective intervention in politics. The Black Lives Matter movement in the US appears to be advocating for black lives alone but a closer look will reveal that the slogan implies that all lives do not matter until black lives matter too. The vast majority of people killed in the US by the police are white males but poor whites are slow to realize this and rally behind the campaign to end police brutality for the benefit of all just as it was poor Germans who fought and died for Nazism against the proletarian Red Army and the Allied Forces. In Australia, Indigenous people are the most incarcerated people on earth per capita but the vast majority of the incarcerated are poor whites, calling for a united front in the struggle to decolonize criminology and authoritarian criminal justice. Reiman and Leighton (2017) have argued that the rich get richer and the poor get prison and this has been supported with evidence from Australia that Indigenous peoples make up 3% of the population but 27% of the prisoners; leaving poor white Australians as 73% of prisoners even though the Indigenous peoples were over-represented at an alarming rate (Anthony 2012).

Gramsci and Southernism

This view that imperialism is also hurtful to the poor in the colonising nations is supported by Antonio Gramsci (1976) who was born and raised in the southern Italian peninsula of Sardinia that was conquered by the northern Italians and that continued to see itself as a colonised location that was regarded as being racially inferior in the eyes of the northern conquerors. Dario Melossi (2000) argued that it was during the military conquest of the South of Italy that Lombroso served as a prison doctor and thereby speculated about the 'born criminal' from the unrepresentative sample of one skull of an 'atavistic' notorious brigand.

Northern Italians still complain that it is the people from the Sicilian south that give the rest of them a bad name with their culture of Mafia gangsterism. Makes me wonder if el Duce, Mussolini, was el Papa to Our Own Thing, Cosa Nostra, too as the brutal crushing of Mafia Bosses by Mussolini may suggest gang rivalry. Gramsci also wrote specifically about the plight of those colonised by Europeans in distant countries (Brennan, 2001). In other words, the problem of decolonisation in criminology was never a problem that interested the distant colonial locations in Africa, Asia, Australia, New Zealand or South America and the Caribbean and Indigenous people in North America alone but also a problem that was indigenous to the European nationalities that were subdued by their more powerful neighbours as in the case of Scotland, Ireland, Wales, under the English internal colonialism and Catalonia under Spanish and French occupations, or Eastern Europe under Soviet Russia, for example (with the exception that the right to secession by oppressed nationalities was inscribed in the constitution of the Soviet Union, allowing it to dissolve without waging a war of decolonisation). On the contrary, the wars in the Middle East destabilised the region just like the wars against Indigenous peoples around the world during the era of conquest and pacification and during the more current wars in parts of Africa and the Middle East led by NATO forces.

According to Stuart Hall (1986), Gramsci is relevant to the decolonisation paradigm given the articulation of racist, ethnic, gender, national and class oppression which means that the oppressive rule of the imperialist bourgeoisie did not only apply to the oppressed nationalities but also to the oppressed and exploited working people in Europe and in settler colonial locations. The articulation of race-class-gender oppression under colonialism also guaranteed that white women and poor white men, though privileged in significant ways compared to the natives and the enslaved, were not completely free from the exploitative and oppressive rule

of patriarchal, white supremacist imperialism. Consequently, the struggle against colonialism and imperialism, racism and sexism was never exclusively a struggle by the natives, the poor, black people, or women. Rather, the articulation of oppression has also required the articulation of resistance by coalitions and alliances opposed to slavery, colonialism, imperialism, fascism, sexism, racism, and class exploitation.

Given the reality of articulation in the execution of oppression and the organisation of resistance, it is not surprising that *Indigenous Criminology* is not being developed exclusively by Indigenous scholars but by all scholars who are welcome to engage in counter-colonial scholarship, not as a Sisters of Mercy charitable work but as a fundamental task essential to the survival of humanity. For instance, the foundational text, *Indigenous Criminology*, was a collaboration between Chris Cunneen, an Australian of UK descent, and Juan Tauri, a Maori of Aotearoa New Zealand, both affiliated with Australian universities. As I stated on the jacket of their book, *Indigenous Criminology* is ‘a welcome contribution to the decolonisation paradigm in Criminology, a discipline that is complicit in the enslavement, colonisation, genocidisation and criminalisation of Others with repressive fetishes of western modernity.’

Building on my theory of *Counter-Colonial Criminology* and on the socio-legal theory of Moana Jackson, among other theoretical influences, Cunneen and Tauri emphasised that what is needed is an Indigenous criminology that is critical of imperialism and the impact of colonialism about which control-freak criminology is conspiratorially silent (Agozino, 2010), that challenges the oppressive policing of Indigenous people who are conventionally seen as social problems, that is outraged by the treatment of Indigenous women by Settler Colonial crime control and by their patriarchal criminology collaborators, that reconceptualises crime and punishment from the perspective of Indigenous people to include human rights crimes

shrouded in the silence of a culture of denial, that situates the experiences of Indigenous people within the Anglobalisation of crime control for the recolonisation of the world by imperialism, and that raises critical issues about the development of a distinctive Indigenous criminology for the benefit of all. Given that all human beings are Indigenous somewhere (Agozino, 2014a), it is predictable that critical Indigenous criminology will eventually become the hegemonic perspective in a decolonised field of criminology with sensitivity to issues of race-class-gender articulation for the purpose of liberation rather than for oppression of others by any hegemonic group (Feagin et al, 2014, Blagg 2008, Cunneen & Tauri 2016, Kitossa 2012, Agozino 2003, Said 1993).

The Withering Away of the Law Thesis

The logic of the decolonisation of criminology from the expanding empire of the punitive state demands that we remember the fact that Indigenous people managed to survive for millennia without resorting to the repressive commodity fetishism of western legalism. Similarly, Marx, Lenin and Gramsci argued that we should be able to envision the withering away of the state along with the withering away of the repressive legal form in the capitalist mode of production worldwide under communism. I suggest that this perspective is an Indigenous perspective on the decolonisation of criminology because Marx borrowed it after a detailed study of the abolitionist struggles against slavery and he recommended that the working class should see slavery abolitionism as the model for the abolition of wage slavery and all that was expected to follow (Agozino 2014b).

Freud disagreed and stated that dreams of a non-repressive civilisation was just childish magical thinking because he saw the repression of Eros as the basis of civilisation and concluded that there was no such thing as a non-repressive civilisation. Foucault (1978)

disagreed with Freud (2002) by emphasising that far from being repressed, sexuality or Eros was rather given generous expression in every civilisation. Herbert Marcuse (1962) also disagreed by stating that it is not true that civilisation has to always be repressive since we can imagine a non-repressive civilisation in which the imagination and science are given free rein to invent the future. Charles Wright Mills also called for *The Sociological Imagination* to be developed as a better alternative to grand theory and abstract empiricism. Stephen Pfohl applied this concept to the development of a *Criminological Imagination* but subtly critiqued Mills on the assumption that the masses of the people remained powerless when, according to Pfohl, my theory of *Counter-Colonial Criminology* recognises the agency of the masses and critical criminologists capable of striving to decolonise the world, even if this ‘unnerves’ those that I called control-freak criminologists, according to Pfohl (2015). What a nerve they have!

From the Marxist point of view, when there is no longer any class of people oppressing and exploiting another, then there will no longer be any need for the repressive state with the repressive law (Critical Race Theory went beyond class conflict to underscore the race-class-gender intersectionality or articulation that is often neglected under crude economism, crude racialism and crude feminism). In New Zealand, the Indigenous peoples recognised the futility of militarism as a strategy for decolonisation and rallied around the nonviolent methods of tilling the land in resistance under the leadership of Te Whiti in defiance of mass arrests and bounties for the heads of those resisting colonisation (Kurlansky 2008). Enslaved Africans also resisted slavery mainly through nonviolent resistance but not without bloody insurrections. The vast majority of African countries regained their independence through nonviolent struggles though the violent repression by the colonisers inevitably led to violent armed struggles in some parts of Africa. The Civil Rights Movement, the anti-apartheid

movement and decolonisation in Asia also followed nonviolent methods that Gandhi claimed that he learned in Africa, though there were also bloody revolutions against occupying imperialist forces. In South America, decades of brutal guerrilla wars eventually gave way to parliamentary struggles by left-wing parties that quickly won elections in a number of countries. The decolonisation of criminology is proceeding non-violently because criminologists are not suicide bombers or guerrilla warriors, they write and publish in peer-reviewed journals, teach and do community service non-violently.

E.B. Pashukanis (1924) was the Russian jurist who clarified the mutual determination of the forms of legalism under specific modes of production by emphasising how the legal logic of rights and equal exchange reflected the commodity fetishism of capitalism through contracts, fines, and the calibration of criminal penalties to be equal to the harm caused by the offender. However, Pashukanis was disappeared under the 'proletarian dictatorship' of Stalin perhaps because there was no evidence of the withering away of the commodity form of penal law or the class character of the state when more repressive laws were being made and the state was being strengthened with purges from the party, labour camps, and a mad rush for the arms race, contrary to the withering away of the law thesis. The Central Committee of the Chinese Communist Party critiqued this punitiveness as the 'left errors' of Chairman Mao who should have concentrated on addressing the material conditions of the working class rather than prioritising the class war against the bourgeoisie long after the successful transition to 'democratic dictatorship' in the Peoples Republic.

Antonio Gramsci (1975) suggested that the withering away of the state may not depend on the violent smashing of the capitalist state but may proceed more through working class hegemony to be achieved through consent and not mainly through coercion, though not

without force or the threat of force. The irony is that the working class were the ones who formed the storm troopers of fascism under bourgeois hegemony. They were the ones who held the keys to the cell in which Mussolini detained Gramsci without trial and yet they did not turn their guns on the fascist dictator but stood their grounds apparently in defence of national interest under the influence of bourgeois hegemony. Lenin argued that the working class had no national interest to defend and only had a global working class to unite as part of the struggle to end imperialism, bourgeois dictatorship, oppression of national minorities, sexism, racism and class war so that the state and the repressive law may finally wither away in a classless (non-racist, non-sexist) world. Decolonisation paradigm in criminology allies with what Joe Feagin et al (2014) dubbed 'liberation sociology' with the work of Du Bois, Marx and mine, among many others, cited as exemplars. This means that the decolonisation paradigm seeks to align with oppressed peoples everywhere for the purpose of transforming society for the better.

Conclusions

While the theory of the withering away of the law may sound far-fetched in the age of the war on global terrorism, Indigenous criminologists should examine the fact that another war, the war on drugs, is about to be ended globally through the withering away of marijuana law as a result of the ballot initiatives supported by the voters in opposition to control-freak legislators and the authoritarian criminologists that support the retention of prohibition (Agozino 2010). The death penalty is also withering away from many jurisdictions along with the criminalisation of abortion rights, the prohibition of same-sex relationships, and the outlawing of sex work and gambling which were imposed by a dying colonialism for the purpose of making imperialism eternal. David Garland (1990) pointed out that this was a

limitation in the work of Pashukanis because he failed to examine how some capitalist countries were able to reform the penal law without a full economic revolution.

The irony is that the postcolonial states in Africa, South America, Asia, Australia, New Zealand and the Caribbean have been passionately defending the retention of imperialist control-freak laws even after the colonisers that imposed them have since abolished them in their own native jurisdictions (Agozino 2010). To critically address the over-incarceration of Indigenous people around the world, there will be the need for criminologists to support the deepening of democracy by, for example, granting asylum to all who seek it and by ending immigration controls that seek to exclude Indigenous working peoples (Agozino 2006, Giannacopoulos 2011). Similarly, critical Indigenous criminologists should advocate allowing law-abiding adults the freedom to engage in activities and to consume substances that pose no threat to others in society. For instance, Australia and New Zealand should immediately end the abusive arrest of Indigenous people for the possession of small quantities of marijuana since everyone knows that the tobacco and alcohol that are legally marketed to them with state subsidies are more dangerous and more lethal than all the illegal drugs combined. Colonising countries like The Netherland, Portugal and voters in some states in the US are increasingly experimenting with decriminalisation and legalisation of drugs while former colonised countries put poor people to death for drugs offences and the UK incarcerates Black women mainly for drug offences (Agozino 2008, Agozino 2003, Agozino 1997).

Indigenous criminologists should intervene to persuade the Philippines to step back from the frenzy of hunting down thousands of citizens and executing them for growing marijuana or trading in drugs because we know that education works better than repression in getting

people to say no to drugs. Although tobacco is legal and kills an estimated six million people annually worldwide, education has been able to help many people to say no to tobacco without the threat of shooting or jailing big tobacco workers. Indonesia should be persuaded by Indigenous criminologists to stop executing young people simply because they were caught with substances that are far safer than alcohol and tobacco. To help to bring peace to Columbia, the country should legalise the drugs that brought illicit income to help fuel the civil war that went on for five decades and Mexico should end the drugs war that has cost nearly 100,000 lives in 10 years.

Beyond the activism for ending of the war on the poor in the guise of the war on drugs, the decolonisation paradigm in criminology allies with penal abolitionism in general. Blagg and Anthony (2014) demonstrate that despite the involvement of Indigenous women in night patrols in the Northern Territory of Australia, the incarceration rate in the impoverished predominantly Indigenous region far outstrips the rate in the rest of Australia due to the obsession with punitiveness in what they called governance through criminalisation. Liberation criminologists should aim beyond critique to engage in advocacy and community organising to mobilize against the nanny state of a dying imperialism. The love of the law or nomophilism would never be enough to address the problems of deviance, defiance and social control in a world governed by chaos, according to Giannacopoulos (2011). What is more urgently needed is the application of the law of love that Gandhi said was similar to the law of gravity: it works even if you do not believe in it (Kurlansky 2009).

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