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In 2010, Nigerian criminologist, Biko Agozino, argued that the discipline of criminology is a “control freak” that’s epistemological and theoretical foundations were established in the colonial context. It should be no surprise then, that the discipline has long approached Indigenous peoples as a problem populations in need of significant levels of social management, preferably through targeted, well-resourced surveillance, geographical containment and isolation, in reservations and boarding schools to begin with, and contemporarily through the prison industrial complex of late modernity. We are also targeted for ‘correction’ and adjustment through psycho-therapeutic programmes and other similar interventions through which the discipline of criminology, as a contributor to colonial projects of the settler colonial state, continues to impact the lives of Indigenous peoples. This paper is offered as a contribution to the growing Indigenous challenge to mainstream, Eurocentric criminology, most especially to the position many of its adherents have given to themselves, as the experts on the Indigenous experience of criminal justice. We further argue that in order for this challenge to bring meaningful change for Indigenous peoples, we need to develop an Indigenous criminology. Regardless of whether we choose to become part of the mainstream discipline, or stand apart from it, either way it is necessary to ensure that the control freaks of mainstream criminology can longer claim to be the authoritative voices on Indigenous experiences of crime control and social harm in the settler colonial context.

Introduction

Without question, criminology as a discipline is deserving of critical attention by Indigenous scholars and their non-Indigenous collaborators. This is especially the case given that much of the work done by members of the discipline continues to legitimise social, political and criminal justice policies and practices that invigorate the extraordinary levels of criminalisation of Indigenous peoples residing in settler colonial jurisdictions (Agozino 2004, Cunneen & Tauri 2016). Given this, the

following paper will focus on the way(s) in which the discipline of criminology has become, as Biko Agozino (2003) aptly describes it, a ‘control freak’ that is intent on retaining hegemony over the production of ‘legitimate’ knowledge about crime and crime control, especially in relation to the ‘Indigenous problem’. Through this text we seek to demonstrate the added value of Indigenous knowledge as the rationale for a call to develop an Indigenous criminology that privileges the Indigenous theorising on, experience of, and response to, crime control and social harm.

On Disremembering: A Brief Comment on the Colonial Foundations of Criminology

In the last decade or so, Harry Blagg (2008), Biko Agozino (2003, 2004), Chris Cunneen (2011, 2014) and others (see Tauri 2016, Victor 2007), have drawn attention to the historical connections between the development of criminology in the 19th and early 20th century centuries, and the interconnected, intersectional projects of colonialism and crime control. In one way or another all of these authors have come to the conclusion that by taking the American and European theoretical traditions as the basis for their epistemological foundations, much of the criminological scholarship in the Australasian context operates *without a theory of colonialism* (Anthony 2013, Cunneen and Tauri 2016). We contend that there is little serious consideration within ‘mainstream’ Australasian criminology of the colonial enterprise as a significant factor for understanding the wicked problem of Indigenous over-representation (for examples, see Broadhurst 2002, Jeffries and Stenning 2014, Marie 2010, Newbold 2000, 2016, Newbold and Jeffries 2010, Weatherburn 2010, 2014). And until it does so, the discipline will be of little value to Indigenous peoples.

From a critical Indigenous perspective, the lack of awareness of, or willingness to confront its colonial past, is a fundamental weakness of ‘mainstream’ criminology. It is a weakness that appears to render many of its adherents blind to the intersectional drivers of Indigenous over-representation (Morrison, 2004; Tauri, 2016). Many mainstream, Western criminologists also appear to be largely immune to the urgings of Agozino (2003, 2010), Cunneen (2008) and others, that they extricate themselves from yet another shared epistemological blind spot, namely the role of their discipline, and its practitioners, play as a significant *colonial project* in the settler colonial states *continued* subjugation of Indigenous peoples (see Tauri 2014).

There are a number of strategies and practices through which members of the discipline provide support to the continued settler colonial states subjugation of Indigenous, only two of which will be discussed here. The first issue arises from the fact that some within the discipline work tirelessly to silence Indigenous experiences, and the Indigenous critique, of both of the discipline itself and the criminal justice system, the very entity ‘it’ relies upon for validation, and of course, research funding. One common silencing strategy is the dismissal of Indigenous epistemologies as a valid source of knowledge about the social world. This achieved through the liberal use of pejorative terms like ‘subjective’, ‘unscientific’, and/or ‘folk epistemology’ in order to cast doubt on the validity on Indigenous research and knowledge systems for developing crime control policy (Cochran et al 1998, Rigney 1997, Simpson, Nanibusg and Williams 2012).

The strategy of silencing is most potently deployed if and when our research, borne of community engagement and fueled by community empowerment, contradicts the

findings of mainstream criminology and the policy sector, who's research often involves little if any community engagement ((see for example Marie 2010, Weatherburn 2014; and see Deckert 2014, 2015 for a critique of this approach). Furthermore, as well as calling into question the validity of Indigenous epistemologies, all too often criminologists silence Indigenous peoples by conducting research on Indigenous issues and peoples while evangelising from afar, by preferencing methods, such as on-line surveys, statistical modelling and such like, whilst rarely - sometimes never - descending into the Indigenous space to engage face-to-face with those whose lives they claim to be experts on (Tauri 2014). The overall strategy of silencing is described by Castro-Gomez (2002) as an exercise in creating the impression Indigenous epistemologies are 'without reason', and as such any knowledge emanating from it has no place in an evidenced based policy process.. Thus the strategy offers criminologists of this inclination a 'rational' excuse for attempting to exclude *other ways of knowing* from the criminological lexicon, and hopefully, from threatening the privileged position they hold in the criminal justice-crime control nexus (Tauri 2009).

The silencing strategy we speak of here is a well-worn strategy: Indigenous systems of knowledge, economy, law, and governance were targeted for attack during the colonial era; silenced and devalued on the basis that they were 'without reason' and thus inferior to the imported models of the coloniser. On this specific issue, Australian Aboriginal scholar Rigney (2001, p. 4) argues that:

If one's racial superiority could be scientifically legitimated then the logical conclusion could be drawn that the scientific methods used in 'other' cultures to

investigate or transmit knowledges were inferior and irrational. ‘Race’ theories laid the firm foundation for determining whose knowledge was valid and whose science was legitimate.

Not only is mainstream, Australasian criminology complicit in the silencing of Indigenous experiences in the construction of knowledge about crime and social harm (Deckert 2015), but many Indigenous peoples directly experience the discipline as part of the *epistemic violence* of settler colonial crime control, as a ‘science of oppression’ (Lynch 2000, Tauri 2016): in other words, the discipline is often part of the problem, even, we would argue, when its adherents contend that it is they who hold the solutions to the wicked problem of Indigenous over-representation (Tauri 2014). Understanding criminology as a ‘science of oppression’, as Lynch (2000) describes it, enables us to expose the supportive inter-connections that exists between the *practice* of social sciences, the *construction* of crime control policies and interventions, and the *criminalisation* of Indigenous peoples (see Blagg 2008, Tauri 2005). As individuals and as a collective, criminologists often contribute to the political enterprise of inclusion/exclusion through the very act of *doing* criminology, such as when they undertake contractual research for government which limits or denies Indigenous peoples input into the design and administration of research *on them* (Deckert 2015, Tauri 2014).

The Criminologist as ‘Accidental Imperialist’.... or Colonial Agent?

In a thought-provoking piece on the support her discipline gave to the colonial context, Wendy James (1998) describes many anthropologists as 'reluctant imperialists', meaning that their support for the colonising enterprise was largely unplanned or unintentional. Arguably, in seeking to 'do right' by Indigenous peoples, anthropologists have inadvertently provided empirical support to the colonial enterprise of dispossession. The contention that western, non-Indigenous scholars were motivated primarily by a desire to advance knowledge of the pluralist social and cultural world is a well-worn justification (Cordova 1998, van Bremen & Shimizu (eds) 1999). So too is the other excuse readily offered for the damage wrought by their activities, namely that they had 'good intentions', seeking, not to harm, but to improve the lived experiences of the colonised (see Tauri 2016, Wolfe 2012).

Given its history as a project in the continued colonial dispossession of Indigenous peoples (Agozino 2003); it is difficult for the adherents of criminology to convincingly argue that the same excuse applies to them. There are few grounds upon which to offer benefit of the doubt, for not only does the discipline appear to suffer from historical amnesia with regards its status as a colonial project, but few of its practitioners appear willing to critically self-reflect on the disempowering effects of their work despite the growing, empirically-informed critique of Indigenous scholars (see Agozino 2003, Kitossa 2012, Tauri 2013). For example, what are we to make of the continued control-freak tendencies of Australasian criminology with the as exemplified through a reinvigorated focus on the individual native who through the magic of authoritarian criminological analysis (see Tauri 2013) who fast becomes divorced from their social, historical and structural context; a loss of agency enhanced by renewed attempts to eradicate Indigenous knowledge as a valid source of

information on social harm, exemplified by Weatherburn's (2014) recent claim that all we needed to know about crime, we can receive from Western science. This kind of behaviour by criminological actors, regardless of their alleged theoretical and ideological position, cannot be easily dismissed as *unintentional incidents* of cultural imperialism propagated by well-meaning western, middle class academics.

And so, in the absence of the (invalid) Indigenous knowledge and experience and a meaningful theory of colonialism as contributors to an understanding of Indigenous over-representation, what are we offered instead? One very recent, and innovative approach to arise from within Authoritarian criminology (see Tauri 2013, 2016) has been to blame the influence of 'liberal' criminologists and the activism of Indigenous critics of Settler Colonial crime control on the failure to produce meaningful policy and legislative solutions (Marie 2010, Weatherburn 2010, 2014). This claim is clearly based on the value-laden argument that our criminological attention has moved too far from its right and natural place, namely upon the pathological, individual Indigenous offender, and on to the institutions and structures of the Settler Colonial state and the agents of crime control. Weatherburn (2010, 2014) and Marie (2010) contend that an outcome of this approaches neglect of the 'true' drivers of Indigenous criminality, such as individual (or culturally-derived) propensity for violence and drug and alcohol dependency, has been the development of ineffective policies and interventions for reducing Indigenous over-representation.

In response we argue that this position greatly exaggerates the impact of non-administrative and Indigenous criminological perspectives on the policy sector. An exemplar of this type of exaggeration is offered by Broadhurst (2002, p. 258) who

contends that “[i]t has become necessary to shift the criminological imagination away from the previous focus on judicial bias or racism as the cause of excessive Indigenous imprisonment”. The solution proffered by Weatherburn and Marie is, unsurprisingly, for the criminological gaze to firmly return to the much neglected Individual, pathological Aboriginal, to their dysfunctional family unit, and to an analysis of their criminogenic cultural contexts. Similarly, like Marie (2010) commentary on the New Zealand context, Broadhurst’s (2002, p. 258), blames the inability of the various Australian criminal justice systems to solve the Indigenous problem, on critical liberals and those advocating for Indigenous empowerment, whose efforts have “not led to more effective measures of crime control within Indigenous communities or to sustained reductions in the rate of criminalisation and incarceration”.

One could surmise from this description of the Indigenous experience of Australasian crime control that the prisons were suddenly empty of Indigenous inmates and police no longer patrol Indigenous communities excessively and aggressively. One might also conclude that Indigenous offenders are being diverted en masse into community-centred adjudication processes, that they receive predominantly non-custodial forms of punishment when sentenced, and if they receive such a sentence, serve it in an Indigenous cultural unit or half-way house. And of course, upon release they return to communities that have benefited from the extensive infrastructural, social and economic investment by government.

Of course, none of this is happening right now. Yes, unquestionably the actions of Broadhurst’s liberal ‘legal-welfare establishment’ has led to the introduction of a range of diversionary policies and strategies, and the introduction of restorative-

centred justice processes, Aboriginal Liaison Officers, Iwi Liaison Officers, prison-based cultural units like the Māori Focus Units in New Zealand, and so forth. However, despite all of this activity, the impression given by Marie, Broadhurst and Weatherburn of the ‘failure’ of liberal policy approach to the Indigenous problem, and the critical focus on structure and institutions, is a gross exaggeration. In response to these claims, one need only ask ‘at what time during the period in which Indigenous over-representation has been a significant issue, from the early 1980s in both Australia and New Zealand, has the ‘liberal’ (read ‘left’ and ‘Indigenous’) perspective, most especially Indigenous perspectives, dominated crime control policy in either jurisdiction? Furthermore, if we accept the alternative argument, that the vast majority of crime control spend in Australia and New Zealand since 1980 has in fact been on imported crime control policies and interventions, and not on ‘Indigenous-inspired’ onesⁱ, then where is the evidence that the ‘western’, ‘scientific’ dominated response to the Indigenous problem has significantly reduced Indigenous over-representation?

As stated earlier, our ways of gathering and disseminating knowledge, are constantly dismissed by the mainstream academy as ‘mythological’ constructs, as subjective, as unworthy of consideration during the production of crime control policies and interventions. Relatedly, we Indigenous scholars and researchers are supposedly too close to the source, too political, too subjective, and of course, ‘too emotional’ to offer policy relevant knowledge. And in response we say, yes we are all those things; yes our research is political, sometimes activist, and sometimes aggressive. We are also thoroughly subjective and biased in our orientations, and isn’t it great that we are? Isn’t it a wonderful thing that our research offers to marginalised individuals, families and communities a platform through which their experiences of crime control can be

known? What a fantastic gift we offer to policy makers and to the non-Indigenous academy - real world research that highlights the mistakes of the policy process and of mainstream criminology, and research that demonstrates the negative impact of these interconnected colonial projects on our communities, so that they may learn from them and fix them. And so now I will demonstrate the beauty of our subjective (meaning community grounded and centred), political, activist research, by highlighting a research endeavour undertaken by Indigenous scholar and activist, Moana Jackson in New Zealand in the late 1980s.

The Beauty of Indigenous-Centred Research on Social Harm

The benefits of an overtly political stance when pursuing Indigenous criminological research is validated in the empirical work of the prominent Māori legal philosopher Moana Jackson, in particular his 1988 report *Māori and the Criminal Justice System: He Whaipanga Hou*. Jackson's research on Māori experiences of crime control represents the only significant empirical project of its kind undertaken in New Zealand. The study was carried out over three years (including 14 months of consultation towards the development of the final report) and involved individual interviews, focus groups and *hui* (meetings) with a range of Māori with experience of the justice system, including police, correctional officers, policy workers, inmates and ex-prisoners, their families, community workers, service providers, members of Elders' councils for various *Iwi* (tribes), and academics and researchers (Jackson 1988; see part 1 of the report that deals with methodology). In all, it is estimated that Jackson's research involved 3,000 Māori from throughout the country.

What was new about Jackson's work was also what made it unpalatable for government ministers and policy makers at that time. Jackson and his participants' analyses of crime was directed towards a range of antecedents that 'caused' Māori crime, including a detailed examination of the marginalisation of Māori by government institutions, most notably by the social welfare and justice systems. Jackson's participants contended that New Zealand's criminal justice system reflected Eurocentric theoretical and practice bias, and that this bias was evident in research into Māori criminal behaviour which was focused far too much on the pathological individual. Participants further argued that policy makers and members of the academy did not adequately consider the impact of colonisation to a degree necessary for informing the development of *effective policy*. As such, the policy sector, supported by administrative (and today more authoritarian versions of) criminology, largely ignores the structural antecedents that drive Māori over-representation, privileging instead individual-focused explanations and solutions. The criminal justice policy sector was also criticised for replicating the essentialist, Eurocentric bias of the western academy in assuming that criminal behaviour by Māori could be dealt with in the same way as offending by other population groups (Tauri 2015).

Among the suite of recommendations contained in the 1988 report were a number that at the time were ignored or dismissed out of hand as being, in the words of the then justice minister, 'separatist' (Tauri 1996). These included: referring cases to Māori providers for adjudication, holding meaningful hearings on *marae*; developing cultural advisory groups for justice agencies that had direct input into policy development, in particular the (then) Department of Justice; affirmative action to secure employment of those with knowledge of *te ao Māori* (Māori culture, language,

and so on); and meaningful bicultural training (Jackson 1988). And most controversially of all, Jackson and his participants suggested that as the formal system played a significant role criminalised Māori the state should consider enabling Māori to establish a parallel system of justice.

Since then, all of these recommendations have in some form or other been implemented, such as cultural advisory groups and Rangatahi (youth) courts, although the extent to which they mirror what Māori want – or indeed the extent to which they make positive contributions – is questionable. The point is that Jackson’s highly ‘politicised’ research changed the criminal justice landscape in New Zealand immeasurably and opened up the space for Māori-centred research and responses to issues of crime control (Tauri 2004).

Towards an Indigenous Criminology?

How do we build on the empowering work of the likes of Moana Jackson? And how should Indigenous scholars respond to the disempowering, colonialist tendencies of Australasian criminology? Recently, along with my colleague Chris Cunneen (2016), I published a book titled *Indigenous Criminology*. In the book we discuss what we believe are useful principles upon which to construct an Indigenous variant of the discipline. A full discussion of what an Indigenous criminology will look like is a story that needs and will be told another time. However, we can say with certainty that it will not, or should not primarily be concerned with being of ‘utility’ to the policy industry. The fact that so much of what passes for Australasian criminology is tethered firmly to the government teat (whether in a direct contractual relationship, or the fact that it fails to ask critical questions of the institutions of social control) belies

the oft-made claim by its adherents to being objective in either a political or epistemological sense of the term. It is no such thing: it is very much a political animal, one that preys on the bodies (physically, theoretically and epistemologically-speaking) of Indigenous peoples. It gorges on the *wairua*, the very essence of Indigenous peoples and their culture, in the name of ‘science’, self-aggrandisement, and financial procurement on behalf of the academic institutions to which Australasian criminologists belong. In comparison, we believe an Indigenous Criminology, or a Counter-Colonial Criminology or an Anti-Authoritarian Criminology, call it what you like, will be by its very nature *political*. It will be undertaken *with* Indigenes, on their terms, and its adherents will seek to privilege Indigenous voices and experience of social harm and Settler Colonial crime control.

An Indigenous Criminology and its practitioners, will be unaffected by the criticisms of those who argue that there has been too much focus on institutions and structure, including institutional racism, and not enough on the ‘individual proclivities’ of the Indigenous offender. Yes, the ‘individual’ has a place in the Indigenous theoretical and research framework, but so do other equally important ‘units of measure’, such as the family, community, gender or class. But most importantly, for a distinctly Indigenous criminology to be of value to Indigenous peoples, a central focus of its critical scholarship, if not *the* focus, must be on the institutions of oppression and their strategies and projects of suppression (see Tauri 2016). For as Agozino (2010, p. viii) states in relation to the African context:

Since most of the crimes committed against Africa by imperialism are not crimes by isolated individuals but were structural wrongs orchestrated

institutionally, the focus of African criminology is or should be on what is to be done about the unjust social institutions that have been used to facilitate genocidal policies for centuries.

Therefore, following Agozino's (2007, p. 3) sage advice an Indigenous criminology would turn away from the historical, uncritical replication of Western criminological knowledge by rejecting theories, research methods and crime control policies and interventions "that maximise the exploitation and repression of the masses". The driver of our criminological endeavours shall be academic activism and overt political action. For what other reason is there for us to enter the Academy, an institution of colonial oppression, if not to use it expose the role it plays in the continued subjugation of Indigenous peoples? Of what use will we be to our peoples if we do not hold criminologists accountable for their complicity in the criminal justice sectors continued violent suppression of Indigenous peoples everywhere?

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ⁱ During the now defunct Effective Interventions initiative (2006-2007) officials from the Ministry of Māori Development were informed by crime control agencies that Māori initiatives, including ‘counselling’ programmes that derive from non-Māori theoretical sources, received less than 10% of the sectors spend on therapeutic and other forms of intervention (Tauri 2012).