

Criminology and Colonialism: Counter Colonial Criminology and the Canadian Context

by

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Abstract

Kwame Nkrumah has shown that colonialism of all sorts dialogically connects the metropole and the periphery in a material relationship riven with contradictions. Ironically, 19th Century criminological knowledge emerging from colonial administrators paralleled the metropolitan effort identify the etiology of working class ‘crime’ at home. In bridging the gap between demonizing the working class at home and the colonized in the colonies, criminology can be said to be a handmaid of colonialism from its inception. This view is not a popular one in mainstream criminology and has only a few proponents in the critical criminology tradition, notably Stanley Cohen, Biko Agozino, Becky Tatum. Why is this so? Could it be that criminology departments in Western universities practice what they preach by excluding from their precincts of knowledge production the very people that populate the systemically racist regimes of policing, custody and prisons? Addressing this question this paper is an empirical and theoretical inquiry into race, knowledge production and criminology in Canada from an anti-colonialist perspective. Key words: criminology, counter-colonial criminology, theory, criminalization.

Introduction

Biko Agozino opened his book with an adapted epigraph from Kwame Nkrumah. He replaced “finance capital” with “criminology”. In part it reads: The signs of the times are a ‘general enthusiasm regarding the prospects of imperialist reason, passionate defence of imperialism, and every possible camouflage of the real nature of imperialism and the complicity of criminology in its genealogy’ (2003: 1). Centreing on criminology is an enduring feature of imperialist reason in the projects of colonialism and imperialism, he asserts the relationship between criminology and colonialism is fundamental in origin and pervasive in contemporary practice and theory.

It has been demonstrated that epistemology and methodology from disciplines both in the Social Sciences and the Humanities have been, and continue to be, justifying companions to colonialism, imperialism (and slavery). Criminology has heretofore avoided a socio-historical critique of its practice, epistemology and theory. While the intervention of labeling theory in the 1960's and the subsequent emergence of radical criminology have challenged the theoretical poverty of a discipline whose substantive preoccupation is with acts defined as harmful by the state, the sociology of knowledge from these radical quarters have not addressed criminology's origins and continued existence vis-à-vis colonialism and imperialism.

What is mainstream criminology's connection to colonialism and imperialism? Why is mainstream criminology silent on this contemporary and historical connection? Why has radical criminology failed to develop a thorough-going critique of racism, internal/colonialism and imperialism vis-à-vis the continued White and Western dominance of the field? Agozino suggests there is a "push" against interventions of the racial Other and a "pull," willingly engaged by the racial Other, away from a discipline that is negatively experienced and perceived. Agozino situates his thesis in the context of Third World countries. There, he contends, the failure of criminology to take root in these countries is proof of his thesis. Further, where criminology is at all to be found in non-Western countries (including Japan), he contends its theoretical insights are not indigenous but are impoverished caricatures of the conservative mainstream tradition imported from the West (particularly the US). But, apart from a quantitative review of criminology programs and departments in Third World countries and even more limited qualitative support, Agozino's thesis is not well-tested.

Given the emphasis placed on criminology's continued propagation from the West, how well does Agozino's thesis hold up in one of the criminology's heartlands – Canada. That Agozino suggests criminology plays a role in maintaining relations of internal colonialism and as well as colonialism, Canada uniquely qualifies as a locus to explore this thesis. In spite of African (and Aboriginal) enslavement and mass immigration from all parts of the globe, Canada was and continues to be organized on the principles of White settler colonial domination of Aboriginal and First Nations peoples. The thesis of internal colonialism might be critiqued because poor and immigrant Canadians 'of colour' who are isolated into concentrated urban geographies have no formal connection to independence movements. That, however, racialized pockets of social exclusion approximate labour, carceral and coercive relations akin to international core/periphery dynamics, of which labour exploitation and militarization are a part, ensures that though the analogue is not a perfect one, it retains explanatory power. The thesis may also be critiqued because the racial Other is both juridically equal and can experience upward mobility. That, however, racism and racial profiling mark the racial Other for disvaluation and stigmatization suggests the reproduction of race-based relations of ruling subjects the bodies and movements of the racial Other to the gaze of White normative surveillance.

If then, both colonialism and internal colonialism applies to Canada, what merit does Agozino's argument hold for Canada? Are academics 'of colour' well-represented in departments or programs offering criminology and criminal justice? Is there a way to quantify their representation? In addition to these demographic questions, what are the experiences of criminologists 'of colour'? Do they subscribe to mainstream theory or radical forms of disciplinary inquiry such as critical criminology, radical feminist criminology or anti-colonial criminology? This is a first toward theorizing the concerns of the counter-colonialism perspective. Since little exists by way of a social history of this perspective I undertake a reconstructionist history than outline some initial data information.

The Boundary Problem

While criminology is constituted as a tripartite system comprised of law breaking, law making and social reaction, research and theoretical priority is given over to law breaking. Preoccupation with the latter, however, has specific implications for the taken-for-granted correlation between race and crime: which is to say crime is connected to culture, behavior and the person of the racial other. In addition, this preoccupation, taking the state's definition of harm – constructed as individual to individual - as the essence of injury has implications for excluding systems of oppression (capitalism, colonialism, heterosexism, imperialism and patriarchy) as outside its purview. Interestingly, the identification of the constitutive elements can be traced to Edwin Sutherland, one of the founders of contemporary criminology. In contending that white collar deviance should be constituted as a crime because of its massive harms, and, because the behaviour and motivations of the business elite mirrors the conduct of the stereotypical criminal, Sutherland laid the groundwork to explore the boundary problem in criminology: which is to say that what constitutes a harm is not self-evident by the definition of criminal law. By empirically and theoretically demonstrating there is a political reality to what constitutes crime and that there is a vast array of social conduct which is harmful but not criminal, Sutherland, ironically, opened criminology to the radical challenge of its allegiance to the state's definition of crime and thus to the development of theoretical perspectives that place greater priority on capitalism, the state and sites of social cleavage. In other words, theorizing of social harm beyond the law and examination of the arbitrary dichotomy between criminal and civil law itself as a form of harm.

One such perspective, emerging in the early 1970's from the convergence of critical criminology, the anti-positivism movement in social studies and anti-colonial/imperialist liberation theory and movements is the effort to explore criminology's relationship to colonialism, imperialism and racism. Later, to this outward focus would be added an inner questioning of how gender and racial representation shaped where criminology laid its research and theoretical priorities. The latter question of race and representation situated criminology within institutional debates around funding, tenure and promotion, publishing and job satisfaction.

We might, along with Biko Agozino, term this development “counter-colonial” criminology (2004; 2003) and below I sketch a brief genealogy of its uneven genesis and differing nomenclature in different parts of the English speaking world. By no means, though, is counter-colonial criminology fully developed in either right or left of criminology. This is ironic since much of the impetus for its development comes from theorists and perspectives that take crime as a consequence of the labeling process manifested by capitalist, colonial and patriarchal law making. Despite colonialism being abstracted out of criminological theorizing and its negligence by critical criminology, there is a move more broadly under the banner of social harms to examine colonialism, imperialism (Hillyard, Pantazis, Tombs and Gordon 2004), neo-liberalism and human slavery and sex-trafficking and even genocide (Hagan, Rymond-Richmond and Parker 2005).

Despite the fringe existence and renewal of concern with colonialism, the state’s drive to individualize the reaction of oppressed groups to exploitative social conditions (often under the banner of war on crime and terrorism) – and thereby to negate collectivist prospects for recompense and social transformation – is maintained and perpetuated by mainstream criminological theory and research. Nevertheless, critical criminologists, largely those of colour, working from within the precincts of criminology’s tripartite system have, over the past 15 years, sought to develop a perspective on criminology that takes colonialism in thought and practice as the central node of inquiry. They have relied on literature, theoretical perspectives and genres such as reggae (e.g. Agozino 2003) and hip-hop to disrupt mainstream criminology’s refusal to engage a critical social history of the ways in which the state, criminal law, Eurocentrism and capitalism are implicated in negating and obfuscating a theory of colonialism consistent with criminology’s tripartite focus.

The aim of this paper, then, is three-fold. First, to introduce the theory of colonialism and account for critical issues in counter-colonial criminology as they are articulated in Australia/New Zealand, the UK and the US. Second, I show that while, increasingly, criminologists in Canada are beginning to concern themselves with how Canadian mainstream criminology takes up race, there is as yet no thorough-going effort to theorize counter-colonial criminology from a Canadian perspective among criminologists of colour. Finally, drawing attention to the three orienting features of counter-colonial criminology – race and representation, counter-colonial theory, and appropriate research and methodology – I introduce for the first time, qualitative and quantitative issues regarding criminologists of colour in Canada.

The Emergence of Counter Colonial Criminology

Though there were earlier statements on the matter, 1982 was a good year for theorizing the relationship between colonialism and criminology. On one hand, criminology's tripartite focus was applied to land appropriation and the law of colonial administrations, the locking of newly independent societies into the global Western dominated international political economy and the problem of social justice and land distribution (Sumner 1982). On the other there was an explicit concern with the role of criminological theory, the export of Western crime control to the Third World and the advisory status of Western criminologists as forces of colonialism. This was a reflexive inquiry in the tradition of Ivan Illich that fully elaborated the built-in flaws of Western crime control practice and positivistic crime theorizing by showing their iatrogenic effects in undermining traditional legal systems and imposing Western neoliberal state forms (Cohen 2007).

Indeed, Nils Christie has shown more broadly that in the West, criminological theories and bureaucratized practices of punishment advanced by the crime control syndicate have effectively achieved intellectual colonization of public policy (2007). Much of Braithwaite's development of shaming rests also on an explicit anthropology of the traditional (1989). Despite feminists rightly critiquing this Rousseau idealization of the "traditional" – for example, we don't want to return to stoning as is still done in Nigeria and Iran though this is and was not done everywhere – the view correctly apprehends mainstream criminology's intellectual colonialism.

Now, it is not to say there was not an explicit attempt to develop criminology for the Third World setting. Indeed, the writing of Clinard and Abbot (1973) and Clifford (1974), occurring at the high-point of demands for decolonization, serve as attempts to join the practice and theory of Western criminology with organization and management of newly liberated societies. It is instructive that they applied criminological theory to situations where independence was complete rather than demonstrated how criminology can be applied toward liberation. South Africa and Israeli apartheid would have been perfect examples. Though they meant well in aiming to install Western crime theories, and we know the road to hell is always salutary, the unreflexive application of theories and practices that originated in the West, and which have never shown themselves effective there, positioned criminology and criminologists as vanguards of neo-colonialism (Cohen 2007: 182).

Critical reflections on the export of Western crime control models to the Third World as a feature of neo-liberal state development and the flawed positivism and ethnocentrism that undergird the thought and practice of crime control, have opened up space for reflexive inquiry on criminology itself as a colonial force. What has been missing from these efforts however, is sustained reflection on how criminology's dependence on European Enlightenment thought and thinkers have been selectively used in such a way as to sustain ignorance of colonialism generally and in particular, its unproblematic preoccupation with race and crime.

Moreover, until Agozino raised the point, criminology has not seriously reflected on, nor historicized the implications of criminology drawing so heavily on Enlightenment theories of equality and justice at the same time these theories were features of the intellectual architecture for colonialism, slavery and racism (2003). Indeed, criminology is one of the few areas of the social studies whose raciological origins in the Enlightenment have been screened from scrutiny. This is because of systemic racism in the academy and that the state has a vested interest in sustaining the race-crime linkage. In highly self-referential, if not tautological, ways the race-crime link is so deeply culturally engrained that it not only normalizes this link, it obscures questions on the how the predominance of the white academics and their preference for the valorization of Westernized theorizing in teaching, research and publishing limits serious engagement with alternative and oppositional theorizing on crime. Interestingly, while criminology lags in this area, political thinkers of African descent have raised the issue of raciological thought and the Enlightenment and how this connects to the pre-dominance of white embodiedness and theory in the discipline of philosophy (Eze 1995; Gordon 1995; Mills 2006; Simon-Aaron 2008).

US Roots

The contribution to counter-colonial criminology in the US has its roots in the joint radicalization of academia and the intellectualization of anti-colonial liberations movements among African Americans, Native Americans, Hawaiians and Puerto-Ricans. On the academic front, left intellectuals as early as C. Wright Mills called attention to the implication of academics' material interests in the way they disoriented the study of social problems away from the state and capitalism toward behavioural pathology and social disorganization theories (1943). Much of the approach that developed later in US to question the capitulation of the social studies to commercialism and militarism, also gave in return intellectual support to a wide array of social justice movements such as: the peace movement, the anti-psychiatry movement, the feminist movement, the anti-institutionalization movements and the like. Thus the radical elaboration of the academician and knowledge production as matters of political reality elucidated by Alvin Gouldner (1961) and Howard Becker (1967), *inter alia*, set the stage for serious reflection on the complicity of mainstream academia with an oppressive state.

The entry, however, of working class and racially oppressed youth into the academy in the late 60's and early 70's stimulated critical reflection on the roles of culture and race on epistemologies and the racial embodiedness of academics. Sometimes too simplistically assuming race reflected a professors political orientation, as Assante pointed out, the demands of students, no matter how reactionary, encouraged many in the professoriate to reflect on their relevance to civil society and their relationship to the state (Assante 2007: 95; see also Shank citing Takagi 2008).

Vital to this situation was renewed interest in the critical works of African American scholars such as W. E. B. Dubois and Ida B. Wells but also of Fanon, Mao Tse-Tung, Lenin and other 19th century revolutionaries. The convergence of these forces were finding expression through academics such as Joyce Ladner, an African American sociologist who pointed out that African Americans were predetermined by the White research establishment to exist in a state of deviance and social pathology (1987 [1971]; 1973).

Rejecting this notion as a product of cultural and systemic bias, Ladner contended this bias possible because of the powerlessness of African Americans and their near absence from the research community. As an anti-dote, and one of the earliest statements leading to the development of counter-colonial criminology in the US, Ladner argued for the development of a “Black perspective” which demands “Black sociologists...act as advocates of the demands the masses are making for freedom, justice and the right to determine their destinies” (1973: xvi). Central to this perspective, Ladner suggested, was to reconfigure research priorities from those consistent with the state and the dominant groups’ definition of social problems to the community itself, no matter the contradictions in so doing. After all, whatever might be the short-comings of researchers working in critical collaboration with communities facing oppression, the results are not likely to be worse than the solutions proposed by those Stanley Cohen refers to as “bourgeois criminologists” (2007: 184). Nevertheless, keeping in mind the “colonial analogy” (Ladner 1987: 77) researchers, regardless of race, would question the implicit and often explicit analogy between colonialism and the researcher/subject relationship:

It has been argued that the relationship between the *researcher* and his (sic) *subjects*, by definition, resembles that of the oppressor and the oppressed, because it is the oppressor who defines the problem, the nature of the research, and, to some extent, the quality of interaction between him and his subjects. This inability to understand and research the fundamental problem – *neo-colonialism* – prevents most social researchers from being able to accurately observe and analyze Black life and culture and the impact of racism and oppression have upon Blacks. [emphasis in original] (?????)

Given the vital role the repressive and control institutions in the US played in African American life since chattel slavery (Roberts 1993; Owens 1977), even when African American and leftist writers aimed to apprehend the dynamics of Black oppression in the US the question of crime and control played ancillary but necessary roles. Fundamental to developing a perspective that offered a serious alternative to the research bias against African Americans and other oppressed groups radical scholars had to address the problem of analytical boundary that gave criminology its coherence. They had to consider issues such as: were the ghetto rebellions of the 1960’s simple hooliganism, which itself is a question of politics requiring explanation, or were they manifestations of capitalist exploitation and oppression legitimated by liberal democracy.

Indeed, the question was, why was not institutional and system racism and the harm-making priorities of the economic and political elite not criminal? Herman and Julia Schwendinger were probably the first to attack the pathologizing syndicate of bourgeois criminologists, who, in not raising the problem of the relationship of their subject matter to the priorities of the state, acted as epistemic defenders of an exploitative and oppressive order (1971). The Schwendingers were not alone in shifting the ground from under criminology. Others such as Richard Quinney (1970), William Chambliss (1971) and radical criminologists at the Berkeley School of Criminology among others were a part of elaborating the foundations that would influence the development of counter-colonial criminology in the US.

But, quite specifically, the early effort to apply radical criminology to the problems of colonialism in research raised by Ladner was Robert Staples' essay "White Racism, Black Crime, and American Justice: An application of the colonial model to explain crime and race" (1975). With Fanon and Memmi on one side as points of departure regarding the role of law and the state in advancing the material interests of colonial occupiers, Staples explicitly merged the internal colonialism thesis elaborated by Stokely Carmichael and Charles Hamilton (1972) to the tripartite priorities of criminology. Though Sidney Willhelm has shown the model of internal colonialism is inappropriate for a dynamic in which African Americans are neither indigenous nor battling for a separate state (1970), it is not at all clear the analogy does not have analytical value in terms of colonial law and repressive force described Fanon. Indeed, akin to Fanon's observation on the colonizer using "...rifle butts and napalm..." (1963: 38), James Baldwin made the following observation:

The only way to police a ghetto is to be oppressive...Their presence is an insult and it would be, even if they spent their entire day feeding gumdrops to the children. They represent the force of the white world and that world's criminal profit and ease, to keep the black man corralled up here, in its place. The badge, the gun and the holster, and the swinging club make vivid what will happen should his rebellion become overt...He moves through Harlem, therefore, like an occupying soldier in a bitterly hostile country; which is precisely what, and where he is, and is the reason he walks in twos and threes. (cited in Brown 1977: 81)

At issue, be it with Ladner or Staples, was to sensitively elaborate the dominant role of the state and institutional structures, as advised by C. Wright Mills (1959), on the social experience of the excluded and marginalized people. The cumulative effect of these trends have led to calls for "minority" (Mann and Lapoint 1987; Takagi 1981) and "Black perspectives" (Caldwell and Greene 1980; Penn 2003; Russell 2002) that aim to ensure a consistent discourse that prioritizes social structure over those that pathologize whole groups and which take repression as a solution to problems generated by capitalism and the state.

There are some scholars “of colour” whose work does not call for an explicit “minority perspective”, their work is nonetheless consistent with the priorities of this perspective (Padilla; Churchill). Additionally, the attention to colonialism and punishment in India by US academics such as Anand Yang (1987) do not square with the social history and dynamic that informs specialized minority perspectives of colonialism and US criminology. Nonetheless, the fact that colonialism, crime, punishment and race are central to key analytical categories, reflect well on the fact that scholars “of colour” continue to advance colonialism as site of analysis in criminology. Be that as it may, Becky Tatum has endeavored to extend the internal colonial model articulated by Staples to examine youth offending (2000). Her account fully elaborates a historicization of how institutional structures differential impact people of colour in the US and that the problem of ‘crime’ cannot be meaningfully analyzed or addressed without prioritizing law making and societal reaction.

Finally, a corollary to non-pathologizing epistemology and elaborating the boundary problem with an eye to address systemic social problems, a key feature of counter-colonial criminology is contemplation and politicization on racial embodiment in criminology. Since the mid 1990’s African American criminologists, cognizant of the foregoing issues raised by Ladner and others, have endeavored to make racial representation in criminology itself an area of study (Ross and Edwards 1998; Young and Sultan 1996). The reasons for this concern were laid out by academics of colour comprising the National Minority Advisory Council on Criminal Justice (NMACCJ) in 1982. They argued, at the time, that it was ironic and highly problematic that given the vast sums of money doled out by the federal government since the Kerner Report, “Not one black, Hispanic or Asian or Indian person has ever received a dollar to do research from the Juvenile Justice to frame issues upon which other initiatives are raised...” (cited in Mann 1995: 273). Moreover, situating the funding issue with mainstream criminology’s conductivity to the perpetuation of systemic racism, they suggested the field itself tended to reproduce institutional racism by excluding the contributions of African Americans and other negatively racialized researchers from entry into that research area. They note:

...minority researchers may view criminal behavior in terms of the structures and institutions that shape minority life. Consequently, research topics of interest to minorities may challenge existing paradigms and institutions. This would suggest that research sponsors may not have favorable regard for minority researchers (Ibid).

Quantitative data suggests that while the numbers of African Americans in graduate schools and in teaching/research institutions have increased since the mid 80’s (Edwards, White, Bennett and Pezzella 1998; Penn 2003), criminologists of colour continue to experience exclusion and neglect of their contributions (Young and Sultan 1996; Gabbidon, Greene and Wilder 2004).

Despite the relative increase in their numbers, there remain challenges around mentoring, publishing and concentration at Historic Black Colleges (Carmen and Bing 2000; Ross and Edwards 1998). Indeed, particularly with African American criminologists, frustration at exclusion and neglect of their contributions has led to a thriving and important body of on-going historical recollection of their contributions (Gabbidon, Greene and Young 2002; Ross 1998).

Counter Colonial Criminology and the UK

It is something of a surprise that given radical criminology in the UK and US share a parallel chronology, that there should not have developed in the UK a simultaneous move toward counter-colonial criminology as elaborated by Biko Agozino (2004). As evinced by Stanley Cohen ([1982]2007) many radical UK academics took an explicit stand on British colonialism, be it in Rhodesia or apartheid South Africa. Moreover, more substantially than in the US which has taken a highly positivistic turn since the Reagan years, criminology in Britain has been incredibly dynamic and enriched by the intervention of non-criminologists in spite of Thatcherism. This intervention has been sustained despite the British Home Office, unlike Canada or the US, quite literally appropriating a coterie of academic criminologists in such a way as to make the relationship between the state and criminology more than incidental. Functionally by taking an active role in criminological knowledge production, the British state has aimed to circumvent radical inquiry as much as to generate knowledge that enables it to control discourses about British identity, belonging, as well as the management of troublesome populations. Thus more than in any other country the British state has aimed to colonize knowledge about crime to the extent it is consistent with a neo-liberal agenda.

However, beginning with Stuart Hall and others at the Birmingham School of cultural studies (Hall et al., 1979) to those in education and ‘race relations’ the hegemony of specialist reasoning on crime has not gone without challenge (see for example: Cashmore and McLaughlin 1991; Hudson and Cook 1993). Moreover, the raucous rift in radical criminology, largely based on conflict over the association between race and crime, that led to the parallel rise of critical criminology on one hand and the compromise perspective of left ‘realism’ on the other has ensured a spirited exchange, which continues to this day. Indeed, criminologists in the UK have taken very public positions on issues of the state, employment and racism as these relate to policing, imprisonment and urban conflagrations that have plagued England periodically since the 1980’s. Given the strong patterns of economic and increasingly racial segregation in the UK which are analogous to this dynamic in the US, the discourse of “internal colonialism” has not influenced criminology in the UK.

In spite of a rich intellectual history and ripe social conditions for its emergence, talk of counter-colonial criminology and “minority perspectives” has come much later in date than in the US.¹ Why colonialism (and “internal colonialism” though unnamed as such) as an analytical point of departure is belated in the UK is not a task I set myself in this paper. It may suffice, until others take-up why this is the case, to speculate that a counter-colonial approach has developed only recently because it satisfies analytical needs, as a subfield, that left criminologists have not been able to fill. Indeed suggestive of this interpretation, Gilroy observed of leftist capitulation more generally to Powell and Thatcherite reaction to immigrants and racial integration, and, in particular that of John Lea and Jock Young (1984):

If the term ‘new racism’ retains any value as a shorthand it points to the intersection of left and right around common definitions of the meaning of ‘race’ in terms of culture and identity. This emphasis and the convergence it allows is significant for the degree to which it transcends the otherwise opposed positions of formal politics. Crime in which blacks are involved for left and right alike is intrinsically un-British and alien. More than this, certain categories of crime are now identified not merely as those which blacks are most likely to commit, but as crimes which are somehow expressive of the ethnicity of those who carry them out. For example, in their book *What is to Be Done about Law and Order?*, published under the imprint of the Socialist Society, Lea and Young...have referred to the origins of street crime in the ‘residual ethnic factor’ in black urban life. (1987: 117)

The cultural studies intervention in the study of crime and its refusal to entertain racial essentialism (Gilroy 1987) has profoundly shaped reflections on how race is taken up in criminological discourse. Probably the first to do so was veteran critical and feminist criminologist Maureen Cain (2000). Borrowing from Edward Said’s magnum opus, *Orientalism* (2003), Cain showed that the positivist strain in mainstream criminology depended on fixing the racial other in their place. While Cain demonstrated the limitations of mainstream criminology’s with understanding the criminal racial other even as she used the Caribbean as a point of comparison, she did not make an explicit case for an approach that used colonialism as its vantage point of analysis. Rather, it was Phillips and Bowling (2003) who first articulated the possibility of a perspective in the UK that attempted what was produced in the US over three decades before. Raising doubts about ‘number crunching’ and the taken-for-granted associations between race and crime, Phillips and Bowling argued that:

A primary objective in formulating minority perspectives in criminology is to move beyond the so-called ‘race and crime’ debate that has preoccupied us. It is the need to refine this debate, extend its parameters, and to raise concerns about the nature of the discipline itself which has spurred us to propose a different approach. (269)

Though sharing the aspiration to shift the boundary of mainstream criminology as does “Black criminology in the US”, Phillips and Bowling reject the essentialism implied by African American specificity. Though, they do admit the necessity of “strategic” or “contextual essentialism” that gives race its coherent though fluid quality (273). In part, the refusal stems from the different ways in which race is articulated in the US vs the UK. “Black” does not have the same unifying racial connotation in the UK that it does in the US. Indeed, until recently, the term “black” was used in adjectival form to encompass all non-White British people in the UK. To refuse the nomenclature of “Black criminology” therefore is as much to distinguish the particularities of the British dynamic as it is to take seriously the current and “...contested validity [of black] as a unifying identity for Britain’s racial and ethnic minorities (272). The key aim in rejecting the perceived essentialism in “Black criminology” is to safeguard against reproducing the essentialism inherent in mainstream discourse which “Black criminology” intends to disrupt. However, a closer view of “Black criminology” indicates African descended criminologists in the US are not uniform on the constituency of the subfield. Kathryn Russell, who was not the first in the US to articulate the outlines of a Black perspective, who Phillips and Bowling identify as claiming an essentialist stance, in fact advocates broad base of racial inclusivity in knowledge production with the proviso, in effect, that anti-racism and non-pathologizing are a shared values among researchers (Penn 2003: 320; Russell 2002). However, Everette Penn shows that Daniel Georges-Abeyie takes a fully essentialist stand (Penn 2003: 320). In favouring Takagi’s “minority perspective” over “Black criminology” Phillips and Bowling may not in fact have captured the issue of diversity among African Americans making a push for “Black criminology”. Thus in some ways they present a caricatured image of “Black criminology”.

However, toward elaborating a “minority perspective”, Phillips and Bowling reject what they feel is a unifying theory proposed by “Black criminology” (Phillips and Bowling 2003: 270). If there is a difference between theory and paradigm, Phillips and Bowling have not well-stated their case since as African American criminologist Everette Penn argues: “...a monolithic theory will not emerge to explain all crimes committed by Blacks”. However, and this is where Phillips and Bowling would be correct in their rejection, Penn asserts that a “synthesized definition of Black criminology...goes beyond the race variable to produce the monolithic Black paradigm” (Penn 2003: 319). This paradigm would be inclusive of the “Chicago school, phenomenology and conflict theory” in addition to the social history of African Americans who extends beyond Marxist or class analysis (319-320). It is not clear just how these opposing theories might fit together, but the key problem Phillips and Bowling miss is that Black Criminology aims to answer the same question mainstream orientalist discourse has failed in finding an answer, but with a Black orientation: “Why does crime occur” (325). Interestingly, while Phillips and Bowling address themselves to empirical matters that would be of concern to a minority perspective and they demonstrate the value of historical and structural analysis, they come perilously close to colonialist essentialism of Black criminology when they write:

“...deviance is more commonly a viable solution for minority communities than for the ethnic majority population” (Phillips and Bowling 2003: 278). Whatever the disadvantage of Black criminology, be it correctly interpreted by Phillips and Bowling or not, African Americans appear to have taken up the issue of racial representation in ways not considered by Phillips and Bowling.

While the “minority perspective” first elaborated by Takagi in the US has influenced a similar and recent move in the UK, a more strident approach informed by Pan-Africanism, Fanonist anti-colonial theory and the internal colonialism thesis is that of counter-colonial criminology. Fully elaborated in *Pan-African Issues in Crime and Justice* (Kalunta-Crumpton and Agozino 2004) in terms of the range of issues it might take-up, this approach extends the concern of the “minority perspective” and “Black criminology” while giving priority to social structure in such a way as to understand that localized concerns about interpersonal crime cannot be abstracted from the political reality of capitalist exploitation and oppression. Moreover, whereas both the “minority perspective” and “Black criminology” have varying degrees of interest in the history of the European Enlightenment and the development of Orientalist reasoning in criminology, counter-colonial criminology elaborates the dialogic relationship between the anthropology and administrative colonial criminology with law and the scientific and philosophical rationalizations for colonialism and imperialism – be these past or present.

New Zealand and Australia

New Zealand and Australia are countries with well-developed criminology programs in their universities. Surprisingly, given that they are British/White settler colonies in which the indigenous peoples of both countries have been the objects of repression and control through the legal system, the question of colonialism is of a recent vintage in criminological thought. Consistent with the idea of counter-colonialism articulated by Agozino (2003; 2004), a few Australian academics have explicitly situated colonialism as the medium through which land appropriation, repression in the criminal legal system, and, comparative histories of Orientalist reason and scientific racism are objects of analysis (Brown 2001; Jobes 2004). While these works engage criminology from the vantage point of colonialism, this is done without an overarching theoretical move to constitute counter-colonialism as itself a mode or subfield of criminological analysis. To this extent, it is not clear to how far questions of racial representation in Australian criminology have been raised as a matter of concern in the discipline. No doubt this matter should be a concern given the scope of dislocation of Aboriginees, theft of children by the state and their near absence from the academy never mind the field of criminology.

Whereas it is not clear if there are any Australia criminologists of Aboriginal descent, this is not the case in New Zealand. There in much the same way that the intervention and involvement of African American academics in the field of criminology stimulated the growth of internal colonialism as a site of analysis, New Zealand can at least boast a few Maori criminologists.

The involvement of Maori's criminologists such as Simone Bull, who situate their work around the questions of Orientalist conceptions of race, civilization, cannibalism, tribalism and criminality have exploded mainstream criminological hegemonic ideals about Maori criminality (See Bull 2004). Indeed, there is move underway to consider the parameters of an "indigenous" or "Maori criminology" that would challenge Westernized accounts of crime causation with traditional Maori views on social violation.

Canadian Criminology and Counter-Colonialism?

Where it is mentioned in Canadian criminology, colonialism is represented as an objective fact in the lives of First Nation, Metis and Inuit communities. The relationship to colonialism by criminology is not encountered as a site from which to generate theory. Rather, it is regarded as an unfortunate circumstance of history in which the side-effects: high offence rates, violence, addiction and over-incarceration are not only objects for analyzing the nature and problem of Canadian indigenous peoples, these staples of positivistic criminology around which public policy are built. To my knowledge, colonialism has not constituted the basis for criminological analysis of the situation of Canadian indigenous peoples except in the rare instance of Paul Havemann applying the principles of conflict criminology (1989). Related to the situation of indigenous peoples, the reaction of criminology in general to the racial profiling, extraordinary rates of federal and provincial (Ontario and Quebec) institutionalization of African descended Canadians has not fared any better. Other racial groups such as Vietnamese and in B.C. Asian and South East Asian youth are the objects of a process of criminalization that normalize racial identities on a trajectory of other and outsidersness to 'real' Canadians.

When dealing with the experiences of 'racial minorities' in criminology considerable effort is put into explaining where and when, if at all, discrimination occurs in the criminal legal process to produce uneven racial outcomes (Hylton 2002; Roberts and Doob 1997). Though important in highlighting how institutional and systemic racism are articulated, this method of inquiry is hermetically sealed from broader political economic questions of how the criminal legal system sustains exploitation and oppression. This is because, as Stanley Cohen points out, criminologists take too seriously the substance of their study as though it existed objectively (1985). Indeed, because crime itself is not problematized, it is not considered how the enforcement of the criminal law constitutes a process of commodification of the racial Other. Which, in effect, perpetuate Orientalist and scientific racism discourses first articulated in the European Enlightenment. And, through the process of criminalization, the employment of White Canadians in the criminal industrial complex is a non-productive/welfarist subsidization of reactionary elements of the White working class who in the guise of "service" are in fact defending a capitalist and colonialist order.

Canadian criminology, in short, has yet to attend to the staples of its enterprise where the application of colonialism as an analytical lens through which to account, not for crime but rather criminalization in service to other social agendas. This is surprising, after all, since Canada is a White settler colony and which is still predicated on a racial hierarchy through which the nation imagines itself as the great and benevolent White North; but, this may just be the point as far as the mainstream criminological academic syndicate is concerned. Recently, as in the UK, criminologists dissatisfied with the field's narrow and tired correlation between race and crime have endeavored to disrupt this Orientalist preoccupation. Hence, Chan and Mirchandani citing the purpose of their anthology *Crime of Colour* assert:

This collection represents an attempt to move beyond the uncritical acceptance of the concepts of 'race' and 'race relations' within Canadian criminological literature to 'render primary, contentious and problematic notions which are often treated as secondary, noncontentious and unproblematic'. (11: 2002)

This aspiration is in large measure unfulfilled since no essay in the collection address how colonialism itself is imbricated in mainstream criminological theory and research. Thus, the essays that do address colonialism do not reconfigure the boundary problem of criminology to stipulate colonialism and its continuance in the criminal law and enforcement as themselves harms that reify native 'criminality'. In addition, the question of race and representation in criminology and how this might affect the exclusion of radical theorization that center internal/colonialism as objects of analysis is not at all present.

To contribute to work Chan, Mirchandani and others have begun, I am exploring the question of racial representation in Canadian criminology, the experiences of criminologists of colour and how they conceptualize the field. Quite specifically I am considering the core issues that Biko Agozino has raised concerning the disrepute of criminology in the Third World and its universities. Agozino posits that criminology is in the main rejected by the Third World because "...it is a social science that served colonialism more directly than many other social sciences" (2003: 1). The situation as I have described it for Australia/New Zealand, Canada, the UK, suggest indigenous and people "of colour" are not well-represented in criminology. Given the historic and contemporary dominance of criminal law and enforcement in their lives, the near absence of people "of colour" in Canadian criminology requires explanation. Moreover, for those who are present in the field, a question arises as to the degree of their allegiance to the theoretical frames of hegemonic criminological discourse. In the UK and US, as I have shown, criminologists "of colour" have made important contributions toward rethinking the boundary problem and the race-crime association in criminology. What of Canada?

First Nation, Aboriginal and Metis people make up some 16% of federal inmates, but are some 3% of the Canadian population. Canadians of African descent make up less than 1% of the Canadian population but are some 6% of federal inmates. On the other side of the fence, the face of criminology in Canada is White. This conclusion is based on quantitative data derived from two sources. First, the results of an ethno-racial and equity questionnaire sent to criminology schools, criminology and criminal justice programs, sociology/anthropology departments that offer either courses or certificates in criminology and universities with research institutes in criminology/criminal justice. Because criminology is a heterodoxical field in which political scientists, psychologists and even economics are contributors, I sent questionnaires to major political science and psychology but not economics departments. The aim of the questionnaire was to understand how seriously departments considered racial equity in hiring, a numerical count of racial diversity in the unit and among other things, to determine how many faculty taught in areas of criminology/criminal justice. A total of 41 institutions comprising 95 departments and programs were sent questionnaires. Given 13 responses at a response rate of 14%, the questionnaire had little utility.

Second, I searched the websites of various schools, departments and programs to improve the reliability of data provided by departments and programs and to acquire the contact information for faculty who either self-identified as persons “of colour” or who phenotypically looked like they were persons “of colour”. I concentrated on searching the websites of 23 criminology schools, criminology and criminal justice programs and sociology/anthropology departments offering criminology degrees, certificates and courses. To compile a list of criminologists “of colour” reviewed the departmental websites and viewed faculty names, research profiles, visual representations to compile a list of criminologists “of colour”. The drawbacks to this approach are that using surnames as a search cue is not always a reliable indicator of ethno-racial background. Second, not all departments provided visual images of faculty members. Finally, visual appearance is itself a reliable indicator of ethno-racial identity. Using this method and with all the limitations considered, for the 23 institutions whose websites I reviewed I estimate 224 individuals teach and research in the areas of criminology and criminal justice. Using the method just described, I estimate 20 persons of colour function in the capacity of teacher/researcher. By this method I could find only one self-identified indigenous faculty member. Given this paucity, I have requested interviews from Aboriginal academics teaching in the area of law. Just as problematic as the limited number of Aboriginal academics, I was not able to find any women of African descent teaching in these programs.

Reflection on the preliminary data suggests criminologists of colour who are of a radical persuasion are reluctant criminologists. They seem to derive much of the support for their non-criminological stance from reflections in non-Western literature. Quite specifically, the work of novelists from the Global South, indigenous Americas, and critical race scholars in the UK and US. The impression thus far is that, like their US counterparts, these radical scholars have a publishing record that is good but not in “tier 1” journals. Indeed, those I spoke to thus far are not overly concerned about publishing in criminology journals per se.

Rather, they select journals of high quality but those whose description and their publishing of similar work in the past indicate they will receive an open-minded review. Interviewees were concerned that many students had mainstream law and order type conceptualizations of criminology. The lone Aboriginal faculty, who was a law professor rather than criminologist, expressed concern that while the numbers of Aboriginal scholars needs to increase, there were not enough Aboriginals working in the area of criminology. Colonialism, imperialism and questions of how the state uses race to criminalize people of colour is important to these scholars. At the same time they believe it important that they explore issues of crime without necessarily placing race as the primary category of analysis.

In conclusion, the lack-lustre response to the departmental/program survey may have a variety of different explanations but the quality of response leaves the impression the issue of discourse and racial representation are either unimportant to academic units or it is a source of discomfort. Surprisingly, at this stage of the my inquiry the response from criminologists of colour has also been slow to materialize. This probably has a variety of explanations but being such a numerical minority in a field that is not only White dominated but also closely tied to state practices and funding opportunities, there may be reticence to raise these issues too loudly. Both in terms of theorizing then and questions of discourse and representation, criminology in Canada seems poorer for its near racial uniformity and refusing to meaningfully address the issue of colonialism and internal colonialism in Canada. But, if we follow Carol Smart who argued feminism has nothing to gain from criminology but criminology is enriched by feminist theory, the paradox remains of what benefit is it for criminologists 'of colour' to enrich an enterprise that reifies the colonialist practices of racial repression. As implied by Stanley Cohen and Biko Agozino, the task is like Icarus to fly but not be burned by the sun for complicity knows no compromise.

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¹ Roughly parallel to the development of counter-colonial and “minority” perspectives in the UK is “cultural criminology” (see Jefferson et al., 2004; Presdee 2000). Unlike counter-colonialism and “minority perspectives”, it is not at all clear where the analytical lines are drawn by “cultural criminology” since this approach seems to conceive of culture in broad and universalist ways. Moreover, the approach does not seem to address in what ways criminology has failed to take-up the question of culture (whose and what culture?), though of course Garland has elsewhere attempted a similar examination of culture which suffers from much the same defects and is thus not persuasive in elaborating how criminology might use culture (Garland 1990). Whereas counter-colonial criminology examines criminological epistemology and the criminal legal system in terms of the social organization of internal/colonialism, cultural criminology does not show how culture is organized in such a way as to produce disparity and discrimination in the criminal legal system in ways that tie-in with concepts of the nation and belonging. Finally, because its concept of culture is so diffuse, cultural criminology does not attend to how questions of racial representation in the academy and the racialized allocation of research funding are implicated in perpetuating hegemonic and colonizing discourses on crime – especially in relation to race. Interestingly, Cain (2000) who discusses orientalism in criminology nor Phillips and Bowling (2003) who elaborate a “minority perspective” make any mention of “cultural criminology”.