

## **Neo-Colonial Criminology: Quantifying Silence**

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### **Abstract**

*In Australia, Canada, New Zealand and the United States of America, Indigenous peoples continue to experience incarceration at markedly disproportionate rates. Some scholars have criticised criminology for contributing to this social problem by marginalising Indigenous peoples in research and research publications. This study is a first attempt to quantitatively evaluate the (de)colonised state of contemporary criminology. It involves a comprehensive review of research on 'Indigenous peoples in the criminal justice context', which has been undertaken in aforesaid countries and was published in elite criminology journals over the past decade (2001-2010). The findings reveal that publication rates on the subject are low both compared to incarceration rates and compared to the quantity of academic discourse about other disproportionately incarcerated social groups. Since an adequate, i.e. attention-grabbing, quantity of academic discourse has been linked to the public recognition of social problems, the dearth of publications on the subject suggests that mainstream criminology inhibits public attention to the issue and thus contributes to the marginalisation of Indigenous peoples, the reproduction of social inequality and the preservation of elite power.*

### **Key words**

Indigenous peoples, marginalisation, incarceration, overrepresentation, discourse

### **Introduction**

The university [...] is oriented toward the transportability of both knowledge and credentials; it gazes toward a vast ocean horizon, but misses its own reflection.

(Marker, 2004: 107)

Debates around neo-colonialism and academic imperialism have advanced since the issue was first raised in the 1960s (Stevenson, 1998). Only few scholars have, with reference to the marginalisation of Indigenous peoples, critiqued mainstream criminology and its researchers (Agozino, 2003, 2004, 2010; Blagg, 2008; Cain, 2000; Cunneen, 2011a; Lynch, 2000; Tauri, 2012a, 2012b). Apart from such critical qualitative contributions, the degree of neo-colonialism in mainstream criminology has not yet been determined. This study seeks to start closing that gap by determining the quantity of content that focusses on 'Indigenous peoples in the criminal justice context' published in high-ranked

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criminology journals over the past decade (2001-2010). It links a dearth of topical articles to the ongoing marginalisation of Indigenous peoples, arguing that an inadequate quantity of criminological discourse inhibits public attention to the social problem of disproportionate incarceration rates; and that mainstream criminology journals therefore contribute to the marginalisation of Indigenous peoples, the reproduction of social inequality and the preservation of elite power. The study is comparative and examines criminological research undertaken in Australia, Canada, New Zealand and the United States of America (US). These four nations have been selected because they share similar colonial histories; and 'process' Indigenous peoples through the criminal justice system at disproportionate rates (Broadhurst, 1999; Cunneen, 2006, 2007, 2011b; Nielsen & Robyn, 2003). Therefore these nations have similar opportunities for de-colonisation (Smith, 1999).

### **Marginalisation through Academic Criminological Discourse and Lack Thereof**

Foucault (1969) defined discourse for sociological enquiry and in particular for his analysis of power structures. Later, Said (1979) refined Foucault's definition for his examination of 'Orientalism'. Following in their footsteps, discourse is, for the purposes of this study, understood as a system of thoughts, ideas, concepts, theories, and practices that makes statements about the world it seeks to explain and thus generates new knowledge, simultaneously limiting that knowledge as it authorises and rejects statements in an effort to ensure internal consistency (Said, 1979) of its ongoing narrative. In doing so, discourse constructs the world it describes and the identity of the subjects who live in it.

Discourse that prevails generates political, intellectual, moral, and cultural power (Said, 1979). First and foremost, criminological discourse has enabled disciplinary power over the subjects it describes; i.e. 'the criminal' and 'the deviant' (Foucault, 1969). Subsequently, criminological discourse has generated sufficient political power to institutionalise itself in criminal justice systems and restorative justice organisations. Finally, it has manifested in the academic discipline of criminology emancipating itself from its predominantly sociological and legal heritage. Within academia, criminological discourse expands and limits thematic frontiers but also dictates ideological directions (Cohen, 1988). In constant interaction with other hegemonic discourses (Said, 1979), academic criminological discourse ensures its own survival by continuing to distinguish between the 'criminal' and the 'non-criminal'; that means by ways of 'othering' (Agozino, 2003; Lynch, 2000; Tauri, 2012a; Young, 2011).

The main instrument of discourse is language which creates and disseminates discourse, and also allows for interaction with it (Foucault, 1969; Lessa, 2006). Language reflects power because it legitimates particular versions of reality and simultaneously excludes alternative versions of it (Lessa, 2006). That way, control over criminological discourse may lead to social control over distinct social groups (Agozino, 2003; Cunneen, 2006; Van Dijk, 2008). Language offers a number of dimensions in which discursive power may manifest.

It can manifest in the semantic macrostructures of discourse, i.e. *what* is talked about. Positive topics (e.g. educational successes) are highlighted for dominant social groups while negative issues (e.g. criminal behaviour) are emphasised for 'other' social groups (Van Dijk, 2008). Characteristically, most of our criminological discourse is negative irrespective of any social groups involved because criminology is the only social science that has chosen a particular social problem as its defining subject (Young, 2011). Therefore, it has been argued that discursive power manifests in the criminological subject itself (Agozino, 2003; 2004; 2010; Cain, 2000; Lynch, 2000; Tauri, 2012a; 2012b; Young, 2011); that criminology is an imperialist science purposefully created for control of 'the other' and thus is an accomplice to persistent neo-colonial epistemologies (Agozino, 2004).

Operations of power are revealed when the authors who dominate a particular discourse are identified (Cook, 2008; Fairclough, 2001; Phelan, 2009), i.e. *who* talks or more precisely "who has the power to define the problem in a particular way, [and] who is silenced by a particular presentation" (Cunneen, 2006: 329). Recognising the importance of this aspect of discursive power, a number of studies have established who the most cited scholars in criminology and criminal justice journals and textbooks are (Cohn & Farrington, 1994; 1998; 1999; 2008; Wright, 1995). The number of Indigenous scholars in academia, including criminology, remains miniscule compared to both the number of Indigenous peoples in the general population and the number of issues affecting Indigenous peoples (Asmar et al., 2009; Smith, 1999). Hence, discursive power continues to elude Indigenous academics. Whether non-Indigenous criminologists afford Indigenous peoples discursive power through use of participatory research methods and through use of participant narrative in academic publications will be the subject of future research.

Most commonly, discursive power is studied as it manifests in the language used, i.e. *how* an issue is talked about. Discourse analysis is usually employed to reveal positive and negative presentations of distinct social groups. Such images can be evoked through instruments such as lexicon, e.g. use of positive words for dominant social groups and use of negative words for 'the other'; syntax, e.g. use of active sentences in regards to dominant social groups and passive sentences in regards to oppressed social groups; and rhetoric, e.g. use of positive and negative euphemisms (Van Dijk, 2008). Harding (2006), for example, demonstrates how Canadian news discourse has – for the past two centuries – been framed in ways that protect interests of the coloniser and portray Indigenous peoples as a threat.

Lastly, discursive power manifests in *how much or how often* an issue is talked about. Measuring the quantity of discourse is important because only when the amount of a debate reaches critical mass can a given situation be recognized as a social problem

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(Usdansky, 2008). Public and academic criminological discourse are both dominated by so-called 'symbolic elites', i.e. politicians, journalists and academics, who have privileged access to these discourses (Van Dijk, 1993; 2008). Scholars naturally dominate academic criminological discourse but academics also have considerable power over the public criminological discourse. Although academic journals address a smaller audience than the media, they do provide the 'expert' discourse. Social science scholars are regularly cited by journalists and policy makers to legitimise claims about the importance of social problems (Kingdon, 1995; Page & Shapiro, 1992). "Shifts in consensus on social problems among scholars have been linked to parallel shifts within journalism and public opinion" (Usdansky, 2008: 76), which acknowledges that academic discourse is significant in order for social problems to be recognized. Hence, academic discourse exercises, at least to some extent, social control through the quantity of academic discourse, i.e. *how much or how often* a particular social issue is addressed in high-ranked academic journals.

Discursive power condenses in high-ranked academic journals because it is predominantly discourse in these publications that determines much of the content of scholarly and public debate. The high profile and status of elite academic journals are associated with high quality research (Northcott & Linacre, 2010). Academic discourse published in elite journals is therefore the prime source for politicians and journalists who shape the public discourse (Usdansky, 2008). Articles in elite journals also exemplify how to conduct and write research to academics who seek to increase their own status within the academic community. In that way, elite academic discourse generates the power to re-produce itself.

The disproportionate incarceration of distinct social groups has criminogenic and marginalising effects not only for prisoners but entire communities (Brown, 2010). If the excessive incarceration of Indigenous peoples is not addressed with a sufficient amount of academic discourse, there will also be no public debate; the issue will not be recognized as a social problem; and it is unlikely to be addressed at a political level (Usdansky, 2008). Because academic discourse in high-ranked criminology journals determines what is content of the public criminological debate, a dearth of articles on 'Indigenous peoples in the criminal justice context' in these journals not only signifies social exclusion but also contributes to the marginalisation of Indigenous peoples. Lack of academic criminological discourse on social problems, effectively prevents individuals and communities from fully participating in the social, economic, and political life of the society they live in.

Dearth of academic discourse can present as both, absolute and relative lack. Firstly, the absolute publication rate acknowledges social reality and recognizes the existence of a social problem. Analyzing academic and public discourses about single-parent families, Usdansky (2008) demonstrates that profound long-term changes in social reality and ensuing social disparities establish and explain trends in quantity of academic discourse. However, albeit social scientists respond to government-measured social changes

earlier than public discourses, shifts in research agendas in response to contemporary issues are likely to occur only gradually and may result in the expansion or contraction of subfields within a given research area. Secondly, a comparison of publication rates for distinct social groups, who are equally affected by the same social problem, acknowledges the relative social reality. That means similar publication rates acknowledge that one social group is as severely affected by the same social problem as the other. Likewise, differing publication rates signify that one social group is affected by the issue more or less than other groups. Therefore, high-ranked criminology journals can be considered as contributing to the marginalisation of Indigenous peoples if discourse about 'Indigenous peoples in the criminal justice context' is disproportionately low in quantity (a) compared to the quantity of everyday lived experiences, i.e. incarceration rates and (b) compared to other social groups who are also excessively incarcerated.

### **Academic Imperialism and Imperialist Criminology**

Much has been written about the persistence of academic imperialism as well as the need for the decolonisation of academia (Bourdieu et al., 1994; Briggs & Sharp, 2006; Lynch, 1999; Menzies, 2001; Prior, 2007; Raju, 2011; Rakowski, 1993; Smith, 1999; Stevenson, 1998; Van Dijk, 2008). Multiple dimensions have been dissected including: research funding practices (Rakowski, 1993); conceptual and theoretical frameworks (Briggs & Sharp, 2006; Rakowski, 1993); research methodologies and research methods (Cochran et al. 2008; Lynch, 1999; Menzies, 2001; Prior, 2007; Rakowski, 1993; Smith, 1999); and othering discourse (Bourdieu et al., 1994; Brown, 1995; Smith, 1999; Van Dijk, 1991; 1993; 2008). The critique brings together scholars from a variety of disciplines who may refer to 'academia' as an entity but such works are more often discipline specific.

While criminology is credited for revealing disproportionate incarceration rates of Indigenous peoples (Clifford, 1984), it has been criticised for marginalising Indigenous peoples and for the part it played in creating many of the issues Indigenous peoples and ethnic minorities<sup>1</sup>, have with Eurocentric criminal justice processes (Agozino, 2003; 2004; 2010; Lynch, 2000; Tauri, 2012a; 2012b). Agozino (2003) therefore advocates for the establishment of an anti-imperialist counter-colonial criminology, that is, "a theory of social control from the point of view of anti-imperialist scholars who are familiar with the history of resistance to colonialist [...] law and order reasoning" (Agozino, 2003: 350). Moreover, mainstream criminology has been criticised for relying heavily on empirical data instead of employing participatory research methods especially when engaging in the so-called 'race and crime debate' (Agozino, 2004; 2010; Phillips & Bowling, 2003; Tauri, 2012a; 2012b; Young, 2011). Administrative approaches to criminology have received critique for being dominated by the State and for largely serving governmental policy needs (Tauri, 2012b; Walters, 2003); for using othering discourse (Agozino, 2003; 2004; 2010; Phillips & Bowling, 2003; Tauri, 2012a; 2012b;

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Young, 2011); for lacking minority perspectives (Cohen, 1988; Phillips & Bowling, 2003; Tauri, 2012a; 2012b); and for opposing the development of Indigenous criminologies (Agozino, 2003; Clifford, 1984; Tauri, 2012a; 2012b).

The current study uses the aforementioned critical analyses as a foundation and, simultaneously, places it within a quantitative context. Some mainstream criminologists have categorically dismissed the work of critical criminologists as 'unscientific' because empiricism is largely absent in their research (Agnew, 2011; Chambliss, 1989). For this reason, the current study employs a quantitative approach. It seeks to determine if elite criminological discourse, over the decade to 2010, on the topic 'Indigenous peoples in the criminal justice context' has reached critical mass and has thus recognized the disproportionate incarceration of Indigenous peoples in Australia, Canada, New Zealand and the US as a social problem.

### **Research Questions**

The following research questions are based on the aforementioned critical examinations of elite criminology. They respond in particular to the critique that publications in mainstream criminology demonstrate lack of engagement with Indigenous peoples (Tauri, 2012a):

- (1) Has research on the topic 'Indigenous peoples in the criminal justice context' been underrepresented in high-ranked criminology journals over the past decade (2001-2010) compared to the disproportionate incarceration rates Indigenous peoples experience in Australia, Canada, New Zealand and the US?
- (2) Has research on the topic 'Indigenous peoples in the criminal justice context' been underrepresented in high-ranked criminology journals over the past decade (2001-2010) compared to criminological research on disproportionately incarcerated ethnic minorities published in the same journals?
- (3) Considering the heavy criticism of euro-centric approaches to research in the 1990s, do criminological research articles show a trend that indicates significant change between the two time periods 2001-2005 and 2006-2011?

Admittedly, the comparison of incarceration rates and publication rates seems a crude and by no means definite measure, especially because it is not juxtaposed to the full scope of criminological topics covered in these journals; does not take into account the journals' country of origin; and does not consider the number of criminologists in each country. Such juxtapositions may be the subject of future inquiry. Nevertheless, as Usdansky (2008) has demonstrated for academic discourse on single-parent families; an overall increase of academic discourse on 'Indigenous peoples in the criminal justice context' can be reasonably expected as incarceration rates for Indigenous peoples increased over time or at least remained stable at disproportionate levels (Broadhurst, 1999; Crofts & Mitchell, 2011; Cunneen, 2006, 2007, 2011b; LaPrairie, 1997; Nielsen & Robyn 2003; Roberts & Melcher, 2003; Tonry, 1994). If criminologists did acknowledge the excessive incarceration of Indigenous peoples as a social problem, then this should

result in criminologists gradually shifting their research agenda (Usdansky, 2008) with an ensuing increase in academic publications on the subject.

### **Research Design, Data Collection and Data Analysis**

The emancipatory research design (Letherby, 2006; Lynch, 1999) employed for this study is aligned with Indigenous methodologies because its central theme is decolonisation (Smith, 1999) and its aim is to transform research relationships (Castellano, 2008). Social science research does not take place in a social or political vacuum (Creswell, 2009; Lynch, 1999) Contending otherwise means to disregard that power is an essential element of the research relationship (Letherby, 2006). After all, the social distance between the researcher and the 'researched' has been created by marginalisation processes (Moss, 1995). In particular, research about marginalized social groups links inevitably to themes such as empowerment, inequality and oppression (Creswell, 2009; Lynch, 1999). Some may disagree with the notion that criminology was purposely designed as "an imperialist science for the control of others" (Agozino, 2004: 343). However, criminology has undoubtedly inherited a socio-political agenda insofar as it is tasked with the understanding of crime in order to reduce and prevent it (Blagg, 2008; Newburn, 2007). Accordingly, many contemporary criminologists do research that serves governmental crime policy needs (Agnew, 2011; Walters, 2003; Young, 2011).

Examining the quantity of discourse requires, first of all, to determine its boundaries. Often, studies like the current one rely on headings, abstracts, and key words to obtain the relevant sample via electronic data bases (Usdansky, 2008). Considering the relatively small sample size for the current study and seeking to minimise the risk of including irrelevant articles and excluding relevant ones, this study opted for a three-stage approach with three independent reviewers<sup>ii</sup> instead of relying on electronic bibliometrics alone.

Firstly, elite criminology journals were identified. Many so-called 'international' criminology journals are based in North America and the United Kingdom. To mitigate Northern hemisphere domination on the publishing market, the ranking of journals was determined through the *Australia & New Zealand Society of Criminology Report on Criminology Bibliometrics Development* (Brown & Daly, 2008) which encompasses a total of 152 criminology and criminal justice journals. The report distinguishes four ranks: A\*, A, B, and C according to the quality descriptors provided by the report commissioner, i.e. the Australian Department of Education Science and Training. Only A\*, A, and B ranked journals were included in this study according to the underpinning theoretical framework which asserts that power and elite discourse exhibit a strong relationship (Northcott & Linacre, 2010; Van Dijk, 1993). Secondly, the number of research articles was determined. Book reviews, introductory essays and similar publications were excluded from the study as they do not present research findings. Finally, research

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articles on the topic 'Indigenous peoples in the criminal justice context' (henceforth: topical articles) were identified from the pool.

Whether an article focuses on 'Indigenous peoples in the criminal justice context' was determined based on the article's title, abstract and, if available, key words. If neither made reference to Indigenous peoples or Indigenous communities residing in Australia, Canada, New Zealand or the US the focus of the study was deemed to lie elsewhere. If, on the rare occasion, an abstract was not available, the entire article was examined. The manual review considered the use of any tribal or sub-tribal name or the use of any the following sample key words sufficient to qualify an article as topical: 'indigenous', 'aboriginal', 'First Nation', 'Māori', 'native', 'Torres Strait Islanders' etc. Articles were included irrespective of any reference to a particular stage in the criminal justice system. That means that studies about crime prevention, policing, courts, and prison were included as well as studies about criminal behaviour, victimisation, substance abuse, interpersonal violence, juvenile delinquency etc. Comparative studies encompassing one or more of the four countries were also included. However, studies undertaken about Indigenous peoples outside Australia, Canada, New Zealand and the US were excluded.

Comparative articles that explicitly included Indigenous peoples next to other social groups were also included in the study; however only if the reference to Indigenous peoples was made in the title, abstract or in the key words. Comparative studies that only include Indigenous peoples as one of a number of social groups within the body of the text or in data tables were not considered 'topical articles' because they do not recognize that criminal justice processes affect Indigenous peoples in disparate dimensions. Aside from identifying project scope and methodology, an article abstract describes the main research findings and conclusions. If an abstract does not relate the meaning of the research findings to Indigenous peoples – be it a positive or negative implication – then it fails to attract attention the existing social imbalances and "in order for an issue to achieve social problem status, 'claims-makers' must attract attention to the issue, making a case for its significance" (Usdansky, 2008: 74).

The same process was then repeated for the topics 'African-Americans in the criminal justice context', 'Hispanic-Americans in the criminal justice context' and 'African-Canadians in the criminal justice context' as these are also social groups in the four countries that are also disproportionately incarcerated (Australian Bureau of Statistics, 2006; 2012; Canadian Center for Justice Statistics 2006; Crawford, 2011; Statistics Canada 2009; Statistics New Zealand, 2007a; 2007b; United States Department of Justice Statistics, 2001).

To minimise subjective bias and to achieve a high standard of scientific rigor, the final stage of the data collection process was double-blinded. All articles satisfying the above criteria were given to two reviewers who, independent of each other, collated relevant variables for each article.<sup>iii</sup> Data from both reviewers were then compared and only non-



matching variables were revised by a third reviewer who had not been assigned the article for initial review.

The gathered data was finally analyzed using descriptive statistics in order to address the three research questions posed. Calculations were made of the proportion of research articles and also calculated for the time periods 2001-2005 and 2006-2010 in order to identify trends. Article rates were then compared to incarceration rates and to article rates for African-Americans and Hispanic-Americans.

### **Limitations**

Some of the journals that did not publish any topical articles during the decade may have done so for legitimate reasons; maybe because (a) the topic does not fit within the scope of the journal; (b) all articles on the subject were rejected for other reasons than (a); or (c) because no article on the subject was submitted. However, if a journal has published at least one topical article during the decade, it can be assumed that the subject does fit within the scope of the journal which was true for the overwhelming number of journals. Of the 35 journals only two journals, *Law and Social Inquiry* and *Youth Justice*, did not publish at all on Indigenous peoples, African-Americans or Hispanic-Americans during the decade 2001-2010.

### **Findings**

The *Australia & New Zealand Society of Criminology Report on Criminology Bibliometrics Development* (Brown & Daly, 2008) ranked 44 journals as A\*, A, or B. Nine of the 44 journals were excluded from the study. Two journals were excluded because they did not accept unsolicited material. Five further journals were excluded because they only started publishing after 2001. Moreover, weighing the costs involved in gaining access and the negligible impact the journal would have on the overall data collection, the journal *Police Practice and Research* was excluded from the study because the researcher did not have full access to its content. Furthermore, the journal *Acta Criminologica* was excluded from the study because of its distinct focus on South African crime and criminal justice studies which assumedly precludes an interest in publishing research on Indigenous peoples in Australia, Canada, New Zealand and the US. Some may argue that, for the same reason, journals with focus on the United Kingdom may not have an interest in publishing work on the subject. However, the Crown has – inter alia – colonised at least parts of the countries pertinent to this study Hence, the publication of articles on issues relevant to Indigenous peoples seems a legitimate area of interest; politically as well as historically. In fact, three out of five UK journals have published a total number of four articles over the decade, which substantiates that UK journals are not generally disinterested in the issue. In the 35 journals included in the study, a total of 8,887 research articles were published (refer to Table 1). The average number of articles per journal increased over the decade.

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Table 1. Total and topical articles published in selected journals, 2001-2010

Rank <sup>iv</sup>	Overall total		Indigenous		African American*		Hispanic American*	
	2001-2005	2006-2010	2001-2005	2006-2010	2001-2005	2006-2010	2001-2005	2006-2010
1	215	239	2					
3	169	159	2		26	24	13	10
4	102	125	3	1	2	10	2	7
5	94	91	2	1	2	5	1	4
6	83	92	1	3				
All A*	663	706	10	5	30	39	16	21
8	102	102	1	16		1		
9	131	120		1	7	5	5	5
10	147	358			3	5		2
11	89	100	1					
12	115	148			1	3	1	1
13	129	137		1				
14	90	99	1		6	8	2	5
15	83	89		1	8	8	1	1
16	143	140	1		12	20	5	8
17	101	104	1			1		1
18	102	108						
19	95	116	1	1		1		
20	117	115	3	2				
All A	1,444	1,736	9	22	37	52	14	23
22	96	119	4	5				
23	149	197			4	4		
24	110	82		1				
25	49	69						2
26	58	84	1	1		4	1	2
27	67	101	5	5	3	1		
30	71	94		3			1	3
31	130	132		1	6	4		
32	72	71	2	1				
33	60	73			1	1	1	1
34	242	373	1	3	14	27	10	19
36	153	211			5	1	3	
38	98	102	1		11	8	4	7
40	202	141	5	2	3		1	
41	117	94	8	6				
42	294	323	1	3	14	12	7	12
43	48	56						
All B	2,016	2,322	28	31	61	62	28	46
Total	4,123	4,764	47	58	128	153	58	90
Average	117.8	136.1	1.3	1.7	3.7	4.4	1.7	2.6
Percent	46.39	53.61	0.53	0.65	1.44	1.72	0.65	1.01

\* Comparative articles including both African-Americans and Hispanic-Americans counted twice; i.e. once for each social group

### Journals and Articles that Cover Indigenous Peoples

Of the 35 journals, 27 published at least one topical article during the decade. There was a negligible downward trend in the number of journals that published on the topic; from 21 journals over the time period 2001-2005 down to 20 journals over the following five years. A total of 14 journals published topical articles in both the first and second half of the decade.

Of the 8,887 research articles, 105 were topical; that is 1.18 percent of all articles. Forty-seven of 4,123 articles were dedicated to the subject in the time period 2001-2005; that is 1.14 percent of all articles. Fifty-eight of 4,764 articles covered the issue in the following five years; that is 1.22 percent of all articles, indicating a slight upward trend. However, it must be noted that the suggested upward trend is attributed solely to the *Australian and New Zealand Journal of Criminology* which published a special issue on the topic in 2010 with a total of nine articles.<sup>v</sup> Discounting this special issue as a statistical outlier, would actually result in a slight downward trend from 1.14 percent topical articles over the period 2001-2005 to 1.04 percent over the following five years. From a quantitative perspective, the exclusion of statistical outliers can be constructive when observing the amount of published articles over time. From a qualitative perspective, however, statistical discrepancies may signify a positive precedence that may be indicative of social change. The latter contention will be the subject of future research.

Ten of the 35 journals published an above average number of topical articles; that is, more than 3.0 (refer to Table 1). However, two of these 10 journals did not publish an above average percentage of topical articles; meaning that less than 1.18 percent of articles addressed the topic. Conversely, 12 of the 35 journals had published above 1.18 percent on the topic but four of these did not publish above the average number of 3.0. Hence, eight of 35 journals published above average for both numbers of topical articles *and* percentage of topical articles. Five of these eight published more than twice the average. In fact, these five journals published 57 of all articles; that is, 54 percent of the total of 105. Nevertheless, only four of these five journals published consistently above average both in numbers of topical articles *and* in percentage of topical articles over both five-year time periods. These journals are in order: (1) *Australian and New Zealand Journal of Criminology*; (2) *Trends and Issues in Crime and Criminal Justice*; (3) *Current Issues in Criminal Justice*; (4) *Canadian Journal of Criminology and Criminal Justice*. Only one – the first listed – is an A ranked journal; the other three are B ranked. Even if the 2010 special issue in the *Australian and New Zealand Journal of Criminology* was discounted as a statistical outlier, this journal would still rank fourth.

Overall, B ranked journals published a greater number of articles on the subject, in spite of there being only 12 journals of this ranking compared with 15 ranked A or A\*. In fact, on average, B ranked journals published five articles per journal over the entire decade, whereas A\* and A journals published only three on average.

A\* ranked journals demonstrated a downward trend in publishing on the subject over the decade. Whereas, in the first half, A\* ranked journals published above average numbers of topical articles, this was halved in the second part of the decade. In comparison, B ranked journals stayed consistently above average over the entire decade

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both for average number and for percentage of topical articles. A-ranked journals also demonstrate a slight upward trend over the decade although they only obtained an above average score in the second half of the decade and then only in terms of percentage of topical articles. However, this was mainly due to the *Australian and New Zealand Journal of Criminology* publishing 17 of the 22 topical articles over 2006-2010.

Almost half (48) of the 105 articles were dedicated to Australian Aboriginal peoples (refer to Table 2). Roughly one quarter (26) was devoted to Native American peoples, and around one fifth (20) to Canadian First Nations. Both Māori (five articles) and Native Hawaiians (four articles) were least discussed, being addressed by less than five percent of all articles. Two of the total 105 articles included Indigenous peoples from more than one country and were therefore accounted for separately (yet not in Table 2). However, these article numbers need to be viewed in light of the populations in the different jurisdictions and the proportion of Indigenous persons in both general and prison populations. These influences are discussed later.

Table 2. Incarceration rates and topical article rates compared, 2001-2010.

	Australia n Aborigina l*	Canadian First Nations**	Māori†	Native American and Native Hawaiian ‡‡	African- American ‡‡	Hispanic- American ‡‡
<i>As percentage of total population</i>	2.5	2.2	14.6	0.9	12.2	12.4
<i>As percentage of prison population</i>	23.6	13.0	49.2	1.5	44.2	15.7
<i>Incarceration per 100,000 general pop.</i>	125	147	227	491	491	491
<i>Incarceration per 100,000 social group</i>	1,178	507	791	809	1,760	614
<b>All journals</b>						
<i>Number of topical articles</i>	48	20	5	30	281	148
<i>Topical articles per 100,000</i>	540	225	56	338	3,162	1,665
<i>Incarceration rate : article rate</i>	2.2 : 1	2.3 : 1	14.1 : 1	2.4 : 1	0.6 : 1	0.4 : 1
<b>A* journals</b>						
<i>Number of topical articles</i>	3	3	2	7	69	37
<i>Topical articles per 100,000 articles</i>	219	219	146	511	5,040	2,703
<i>Incarceration rate : article rate</i>	5.4 : 1	2.3 : 1	5.4 : 1	1.6 : 1	0.3 : 1	0.2 : 1
<b>A journals</b>						
<i>Number of topical articles</i>	17	3	3	6	89	37
<i>Topical articles per 100,000 articles</i>	535	94	94	189	2,799	1,164
<i>Incarceration rate : article rate</i>	2.2 : 1	5.4 : 1	8.4 : 1	4.3 : 1	0.6 : 1	0.5 : 1
<b>B journals</b>						
<i>Number of topical articles</i>	28	14	0	17	123	74
<i>Topical articles per 100,000</i>	645	323	0	392	2,835	1,706
<i>Incarceration rate : article rate</i>	1.8 : 1	1.6 : 1	n/a	2.1 : 1	0.6 : 1	0.4 : 1

\* Australian Bureau of Statistics 2006, 2012.

\*\* Canadian Centre for Justice Statistics 2006; Statistics Canada 2009.

† Statistics New Zealand 2007a, 2007b.

‡‡ United States Department of Commerce 2000; United States Department of Justice Statistics 2001 [The United States Bureau of Justice Statistics does not keep specific statistics on indigenous peoples. Ethnicities identified are White, African-American and Hispanic. Totals explicitly “include American Indians, Alaska Natives, Asians, Native Hawaiians, other Pacific Islanders, and persons identifying two or more races”].

### **Journals and Articles that Cover African-Americans and Hispanic-Americans**

Of the 35 journals, 33 published at least one topical article during the decade. There was a slight upward trend in the number of journals that publish on the topic; from 20 journals over the time period 2001-2005 up to 23 journals over the following five years.

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Of the 8,887 articles, 315 covered African-Americans or Hispanic-Americans in the criminal justice context, which is 3.54 percent of all research articles. Of the 315 articles, 30 focused solely on Hispanics; that is 0.34 percent of all research articles. Sixty-eight articles focussed on African-Americans which is 0.77 percent of all research articles. The majority, that is the remaining 217 articles, included multiple ethnic groups. Of these 217 articles, four compared Hispanics and Whites, 15 African-Americans and Hispanics; 99 African-Americans and Whites, and another 99 compared African-Americans, Hispanics and Whites. Hence African-Americans featured in 281 articles that is 3.16 percent of all research articles included in this study. Hispanic-Americans featured in 148 articles that is 1.67 percent of all research articles included in this study (refer to Table 1). In comparison, Whites – a social group not overrepresented in the US criminal justice system – featured in 202 of the research articles that also covered African-Americans or Hispanic-Americans, i.e. 2.27 percent of all research articles excluding the number of studies that focus solely on Whites.

Although, African-Canadians also experienced disproportionate incarceration rates between 2001 and 2010 (Crawford, 2011), no research articles were dedicated to this topic in the journals included in this study.

Eight of the 35 journals published on both African-Americans and Hispanic-Americans consistently above the average article rate, which is 8.0 and 4.2 respectively (refer to Table 1) Seven of these eight journals did so consistently over the entire decade. Four of these seven journals published above twice the average for both numbers of topical articles *and* percentage of topical articles. These journals are *Criminology*, *Justice Quarterly*, *Journal of Criminal Justice*, and *Police Quarterly*. However, only the former two journals published consistently over both time periods above twice the average for both numbers of topical articles *and* percentage of topical articles. *Criminology* ranks A\* and *Justice Quarterly* ranks A. The other two journals are B ranked.

Overall, A\* and A ranked journals published a greater number of articles on African-Americans than B ranked journals, whereas both published equal numbers on Hispanic-Americans. There is also a significant upward trend over the decade. The average number of journal articles on African-Americans rose from 3.7 in the first half of the decade to 4.4 over the following five years. For articles on Hispanic-Americans the average journal number rose from 1.7 to 2.6 (refer to Table 1). Also the percentage of articles dedicated to African-Americans rose from 1.44 percent of all articles to 1.72 and for articles dedicated to Hispanic-Americans from 0.65 to 1.01 (refer to Table 1).

### Discussion

First and foremost, this investigation set out to quantify the discourse on 'Indigenous peoples in the criminal justice context' in elite criminology journals published over the decade to 2010. The quantity was determined to identify whether elite criminological research publications suffer a gap that contributes to the social, economic, and political

marginalisation of Indigenous peoples in Australia, Canada, New Zealand, and the US. It is suggested that a dearth of academic discourse in elite criminology journals does indeed perpetuate such objectionable outcomes. Three research questions were to be addressed.

*Addressing Research Question One*

It is true, that research on 'Indigenous peoples in the criminal justice context' has been underrepresented in high-ranked criminology journals over the past decade (2001-2010), when compared to the disproportionate representation of Indigenous peoples in the criminal justice systems of Australia, Canada, New Zealand and the US.

In all four countries, Indigenous peoples are overrepresented in the criminal justice system and markedly so in the prison population (refer to Table 2). Moreover, the rate at which Indigenous peoples are incarcerated is two to ten times higher compared to the general population and to large ethnic groups (Crofts & Mitchell, 2011; LaPrairie, 1997; Nielsen & Robyn 2003; Roberts & Melcher, 2003; Tonry, 1994). The highest incarceration rate is suffered by Australian Aboriginal peoples, followed by Native American and Māori peoples. In the US, only African-Americans face a higher imprisonment rate than Indigenous peoples (see Table 2).

In the examined journals, the proportion of topical articles over the decade has remained relatively stable; well under two percent. Therefore, because the total number of articles has increased over this period, either (a) the total number of topical articles increased slightly; or (b) the total number of topical articles remained stable or even decreased but compensating numbers were now published in higher ranked journals ('total number' also includes topical articles published in journals other than the ones examined in the current study.)

The average rate at which topical articles were published over the decade was around three times less than the average incarceration rate of Indigenous peoples during the same time (see Table 2). For Australian Aboriginal peoples, Canadian First Nations, Native Americans and Hawaiian Natives, the rate of articles was about two times lower than the incarceration rate. For Māori peoples the rate of articles was fourteen times lower than the incarceration rate (see Table 2).

However, the imprisonment rate plays only a symbolic role in this comparison because comparing article rates with imprisonment rates is to some extent over-simplifying the issue. Indeed a more telling measure is provided by comparing the rate at which articles are published about each stage of the criminal justice system with the rate at which Indigenous peoples are overrepresented in that stage. For example, of the 105 articles on 'Indigenous peoples in the criminal justice context', twelve were published on 'corrections and punishment'. This means that the average article rate is 135 per

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100,000 articles on incarceration of Indigenous people. It is therefore not three times but six times lower than the average imprisonment rate of Indigenous peoples.

The disproportionate overrepresentation of Indigenous peoples in the criminal justice system presents a social imbalance that is not reflected in the discourse of elite criminology journals. Clearly the topical article rate is far from being on a par with the incarceration rates that Indigenous peoples continue to experience. For Māori especially the disparity is significant, with academic coverage fourteen times lower than the incarceration rate. The issue is underrepresented throughout all journal ranks. Australian Aboriginal peoples, by comparison, are particularly underrepresented in A\* journals. Canadian First Nations, Native Americans and Native Hawaiians are underrepresented in A-ranked journals.

An unexpected finding is that the B-ranked journal *Critical Criminology* has with 1.41 percent only published slightly above the average of topical articles that is 1.18 percent (refer to Table 1), although it has adopted a 'critique of domination' and considers the critique of neo-colonialism a relevant topic (Michalowski, 1996). Possible influences on low publication rates in high-ranked criminology journals are discussed later.

### *Addressing Research Question Two*

The findings evidence that research on the topic 'Indigenous peoples in the criminal justice context' has been underrepresented in high-ranked criminology journals over the past decade (2001-2010) compared to criminological research on disproportionately incarcerated ethnic minorities published in the same journals. Per one-thousand incarcerated African-Americans 0.5 articles were published and 0.7 articles per one-thousand incarcerated Hispanic-Americans. Although, 7.9 articles were published per one-thousand incarcerated Australian Aboriginals; 3.4 articles per one-thousand incarcerated Native Canadians; 1.1 articles per one-thousand incarcerated Māori; and 1.4 articles per one-thousand incarcerated Native Americans, these seemingly high numbers are misleading because they relate to total incarceration numbers but disregard the disproportionate incarceration rates compared to the general population. To argue, particularly in the US-American context, that mainstream criminology pays little attention to Indigenous peoples because the population represents a smaller proportion of the total population, proposes to completely dismiss that Indigenous peoples are incarcerated not only at a disproportionate rate but also at a rate that is higher than the rate for Hispanic-Americans. Most of all, such reasoning ignores the influence colonisation processes had both on the diminishing numbers of Indigenous peoples and on the criminalisation of Indigenous populations. It also undermines Indigenous peoples' "legal and political uniqueness [...] [and] relationship to the land" (Stevenson, 1998: 40).

If elite criminology discourse acknowledged that excessive incarceration is an issue for some social groups but not for others, this should reflect in corresponding publication rates for each of these social groups, meaning that publication rates for affected social



groups should be multiple times higher than for the average population. It also implies that the publishing rate for each social group should be on a par with the multiplying factor at which that social group is incarcerated. That way, criminological discourse would adequately represent the relative social realities that distinct social groups experience. Hence, the ratio between incarceration rate and topical article rate provides a proper measure. When compared to Indigenous peoples, the ratio between incarceration rate and topical article rate was inverted for both African-Americans and Hispanic-Americans as demonstrated in Table 2. That means the topical article rate exceeds the incarceration rate for both African-Americans and Hispanic-Americans. This holds true throughout all journals ranks. It means that academic criminological discourse in elite criminology journals has acknowledged the disproportionate incarceration of African-Americans and Hispanic-Americans as a social problem. According to Usdansky (2008) this should be demonstrated by a spill-over effect into public criminological discourse and political debate. If this was actually the case, may be subject of future research. For further comparison it is noted that the ratio between incarceration rate and topical article rate for White Americans stands at 0.1 : 1.

#### *Addressing Research Question Three*

It is also true that, despite heavy criticism of euro-centric approaches to research in the 1990s, criminological research articles show no trend that indicates significant change between the two time periods 2001-2005 and 2006-2011. There is no trend that indicates significant change between the two time periods 2001-2005 and 2006-2011. The findings indicate a downward trend in the number of scholarly publications on the subject 'Indigenous peoples in the criminal justice context' between the two time spans. The continuous dearth of discourse indicates persistence, if not further entrenchment, of academic imperialism rather than progression of the decolonization process. Also, the topical article rate for African-Americans and Hispanic-Americans has increased significantly over the decade which further widens the gap in coverage to Indigenous peoples.

#### **Overall Discussion**

Whoever has access to discourse determines what is talked about and also how much it is talked about. Academic 'experts' have privileged access to political, media, educational and scholarly discourse (Brown, 1995; Van Dijk, 2008). Control over the production of public discourse means to control its content 'and hence, indirectly, the public mind – maybe not exactly what people will think, but at least what they will think *about*' (Van Dijk, 2008: viii). Access to scholarly discourse can be denied by criminological researchers either by not listening to research participants who are Indigenous or by entirely ignoring Indigenous peoples. In the literature this is commonly referred to as the 'silencing of Indigenous voices' (Cunneen, 2006; Smith, 1999). Access to discourse is a qualitative factor. However, access to discourse also contains a quantitative element, as the power of particular voices determines not only what is

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talked about but also at which rate the topic is addressed; that is, how often and how much it is discussed.

Contemporary criminology is doing very well in drawing attention to the markedly disproportionate incarceration rates for African-Americans and Hispanic-Americans. It may actually be over-compensating since the article rate is higher than the actual incarceration rate. This may lead to inadvertent consequences because some argue that overemphasizing criminality and victimization of marginalized groups helps to perpetuate stereotypes (Dupont, 2008). Others insist that a social imbalance that is not regularly talked about is not recognized as a problem. Usdansky (2008) asserts that, if a certain problem concerns a particular social group, the lack of frequent discourse about that issue signifies an oppressive act. Absence of the oppressed narrative paralyzes any possible response and intervention (Dupont, 2008). In an ideal world, the quantity of criminological research publications would be in proportion to the rate at which social groups are 'processed' by the criminal justice system. Since that is clearly not the case for excessively incarcerated Indigenous populations in Australia, Canada, New Zealand and the US, it can be concluded that this social imbalance is not sufficiently addressed in elite criminology journals.

Tatum (2002) states that so-called race and ethnicity journals provide specialized platforms for ethnic minority issues which "are often ignored or absent in mainstream publications" (Tatum, 2002: 202). Similarly, Indigenous issues are often discussed in specialized Indigenous journals; for example, the *American Indian Quarterly*, the *Indigenous Policy Journal* or *MAI – A New Zealand Journal of Indigenous Scholarship*. Despite the overrepresentation of Indigenous peoples in the criminal justice system, however, no Indigenous journals specialize (yet) on criminology or criminal justice issues. For the Australian and New Zealand context, where Indigenous peoples constitute between 23.6 and 49.2 percent of the prison population (refer to Table 2), Tauri (2012b) argues that reluctance of Indigenous peoples to engage in mainstream criminological research and discourse, both as scholars and as research participants, is a logical and rational response because the discipline is not only historically oppressive in nature but it also continues to be dominated by "non-Indigenous criminologists who build their careers on the backs of Indigenous peoples". Even if – or better still, *especially if* – there was a wealth of topical articles published in the previously referenced specialized Indigenous journals, the lack of such articles in *mainstream* journals suggests that high-ranked criminology journals may have rejected these publications. Alternatively, these journals may be perceived as an environment that is unreceptive to Indigenous issues and methodologies. In either case, the topical articles themselves become side-lined and marginalized because, as stated above, it is the research topics discussed in high-ranked journals that determine what is content of mainstream public and scholarly discourse.

The contention that elite criminology journals are perceived as unreceptive to Indigenous issues and methodologies will be the subject of future research in order to build it into a theory of criminological research practice that explains, on the one hand,

why there is a lack of topical publications in elite criminology journals and, on the other hand, shows a pathway toward criminological research practices that are non-oppressive. After having established that there is a dearth of academic discourse on the subject in elite criminology journals, exploring the causes becomes essential. Undoubtedly, criminology trains most of its scholars in empiricism and then rewards work done in that tradition by publishing it in its elite journals. However, the lack of topical articles cannot be explained with a mere reference to preferred research methods, i.e. empiricism. Indeed from the perspective of critical criminology, participatory research methods are preferable when engaging with Indigenous peoples (Tauri, 2012a) and, for that matter, when engaging with any marginalized or vulnerable community. However, such methodological preferences do not prevent mainstream researchers in any way from covering the subject as the inverted topical article rates for African-Americans and Hispanic-Americans demonstrate.

Experiencing 'silencing' is an emotional affair (Smith, 1999) and it may therefore antagonize some academics, who have published in the assessed journals over the specified time period, that *they* are quantified as a group under the assumption of sameness and that *their* texts are analyzed without being able to contribute to the analysis with *their* own narratives. However, it is essential to note that critics commonly focus on academics who *do* write about Indigenous issues rather than on those who do not. The work of the former is critiqued for the use of 'silencing research methods' because, although writing about Indigenous issues, they largely disengage with Indigenous epistemologies and participants (Agozino, 2003; 2004; 2010; Tauri, 2012a; 2012b; Young, 2011). Hence, a good number of scholars might be considered agnostic or *silent* but, arguably, these perspectives are not as antagonistic to Indigenous peoples as the ones which deliberately silence Indigenous voices through use of *silencing* research methods. Quantifying the use of 'silencing research methods' in contemporary elite criminology will be the subject of future research.

### **Conclusion**

While the deliberate reduction of 'silence' on 'Indigenous peoples in the criminal justice context' in elite criminology journals is arguably not in the hand of the individual researcher, the current study has confirmed that mainstream criminology is not engaging with the subject matter at an adequate rate. That is, it does not produce a body of research that accurately recognizes and addresses the social problems which are expressed through overrepresentation of Indigenous peoples in the criminal justice system and through disproportionate incarceration rates. Hence, it can be stated that the dearth of academic discourse in elite criminology journals has – over the past decade (2001-2010) – contributed to the marginalization of Indigenous peoples in Australia, Canada, New Zealand, and the US.

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Two decades ago, Braithwaite (1989) considered contemporary criminology to have failed as a discipline because it could neither give any convincing answers to the causes of crime nor prescribe effective crime prevention policies. He further argued that criminology should make a greater commitment to its own theoretical development. Criminological research investigates crime-related problems and formulates new ideas and theories about how to explain and solve these problems (Newburn, 2007) and criminological theory is the foremost informant of crime politics; that is, crime prevention policies and crime fighting policies (Newburn, 2007; Wilson & Petersilia, 2011). The topic 'Indigenous peoples in the criminal justice context' is a matter of significant interest for Indigenous peoples because the criminal justice systems of Australia, Canada, New Zealand and the US are disproportionately arresting, 'processing' and incarcerating Indigenous peoples (Crofts & Mitchell, 2011; LaPrairie, 1997; Roberts & Melcher 2003; Tonry, 1994) and because incarceration rates above the 'tipping point' have criminogenic effects in Indigenous communities (Brown, 2010). The topic is also of interest for victims of crime. Like incarceration rates, victimization rates are much higher for Indigenous peoples than for the general population (Cunneen, 2011b). Policy makers, are also bound to have interest in the subject matter, given the high social and fiscal costs associated with high rates of Indigenous overrepresentation.

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<sup>i</sup> In this context it needs to be stressed that Indigenous peoples are *not* ethnic minorities. If used in reference to Indigenous peoples, 'ethnic' is a colonialist term because it 'undermines the legitimate claims of Indigenous peoples to local autonomy' (Bodley, 1990: 58); moreover, 'it totally disregards and undermines our legal and political uniqueness, our histories, our relationship to the land, and our goals' (Stevenson, 1998: 40).

<sup>ii</sup> I would like to use the opportunity, to acknowledge my two research assistants, James Rodgers and Darrell Turner, who are both doctoral candidates at the University of Auckland. Their input and frank discussions were instrumental to this project.

<sup>iii</sup> These variables were: journal name; journal rank; article title, year of publication; author(s); Indigenous peoples identified in the study; country/countries the research was conducted in; whether the study was comparative; stage(s) of criminal justice system at the centre of study; research methodology; and data about the research method(s) used for data collection.

<sup>iv</sup> Rank 1: *British Journal of Criminology*; Rank 3: *Criminology*; Rank 4: *Law and Society Review*; Rank 5: *Punishment and Society*; Rank 6: *Theoretical Criminology*; Rank 8: *Australian and New Zealand Journal of Criminology*; Rank 9: *Crime and Delinquency*; Rank 10: *Criminal Justice and Behavior*; Rank 11: *Criminology & Criminal Justice*; Rank 12: *Journal of Criminal Law and Criminology*; Rank 13: *Journal of Law and Society*; Rank 14: *Journal of Quantitative Criminology*; Rank 15: *Journal of Research in Crime and Delinquency*; Rank 16: *Justice Quarterly*; Rank 17: *Law and Policy*; Rank 18: *Law and Social Inquiry*; Rank 19: *Policing and Society*; Rank 20: *Social and Legal Studies*; Rank 22: *Canadian Journal of Criminology and*



Criminal Justice; Rank 23: Crime Law and Social Change; Rank 24: Crime Prevention and Community Safety; Rank 25: Criminology and Public Policy; Rank 26: Critical Criminology; Rank 27: Current Issues in Criminal Justice; Rank 30: Homicide Studies; Rank 31: Howard Journal of Criminal Justice; Rank 32: International Journal of the Sociology of Law; Rank 33: International Review of Victimology; Rank 34: Journal of Criminal Justice; Rank 36: Law and Contemporary Problems; Rank 38: Police Quarterly; Rank 40: Social Justice; Rank 41: Trends and Issues in Criminal Justice; Rank 42: Violence Against Women; Rank 43: Youth Justice

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