Dr Biko Agozino

Bio


Title

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

The criminal justice system and criminology are undoubtedly colonial systems of social harm specifically designed for the ‘punitive’ control and discipline of Others to protect the interests of the powerful law-givers and control-freak criminology theorists. I challenged these perspectives in *Black Women and the Criminal Justice System: Towards the Decolonisation of Victimisation* by identifying the colonialist orientations in the criminal justice system and criminology as involving the following articulated tendencies that called for decolonisation: 1) The conceptual colonisation of the victimisation of the innocent by the imperialist discourse of the ‘punishment of offenders’ – the very first words in Garland’s influential text, *Punishment and Modern Society*, that failed to address the colonial legacy of criminology; 2) The colonization of the ‘lifeworld’ by monetary power as identified by Habermas who nevertheless failed to connect his *Theory of Communicative Action* with actually existing systems of colonisation; and 3) The theory of internal colonialism according to which oppressed minorities tend to be policed and repressed with technological fetishes of modernism sharpened during the era of conquest, slavery and colonisation as addressed by Kwame Nkrumah (*Neocolonialism: The Last Stage of Imperialism*), Walter Rodney (*How Europe Underdeveloped Africa*), Frantz Fanon (*The Wretched of the Earth*), CLR James (*The Black Jacobins*), W.E.B. Du Bois (*The Suppression of the African Slave Trade*), Eric Williams (*Capitalism and Slavery*), Edward Said (*Orientalism*), Moana Jackson on ‘Warrior Genes’, and as alluded to by Hall *et al* in the classic text, *Policing The Crises*. The explicit call for the decolonisation of criminology and criminal justice in the subtitle of my book was immediately hailed by colleagues as innovating the ‘decolonization paradigm’ and the perspective was developed further in my critically acclaimed work, *Counter-Colonial Criminology: A Critique of Imperialist Reason*, the tenth anniversary of which was honored with a special edition of *The African Journal of Criminology and Justice Studies*, guest-edited by Dr. Juan Tauri and Dr. Antje Deckert. In this presentation, I propose to go beyond the withering critique of control-freak criminology and criminal justice to apply the decolonisation paradigm to indigenous knowledge systems by invoking the revolutionary theory of ‘the withering away of the law’ to theorise what a decolonised criminal justice system would look like from the perspective of indigenous people who thrived for millennia without the commodity fetishism of criminalisation and incarceration and who have continued to bear the brunt of the social harms imposed by
the authoritarian western modernism which also facilitates what Frank Pearce analysed as *Crimes of the Powerful* with clues to how society should react to the crimes of the relatively powerless.

**Dr Virginia Marshall**

**Bio**
Virginia completed her PhD in law at Macquarie University, for her seminal thesis ‘A web of Aboriginal water rights’ which won the 2015 Stanner Award, published in 2016 by Aboriginal Studies Press. Dr Marshall is principal lawyer with Triple BL Legal specializing in intellectual property law, commercial and contracts law, human rights law and water law. She is a leading lawyer and scholar on Aboriginal water knowledge and water law, publishing peer-reviewed papers and book chapters; and sits on the Australian Human Rights Commission Roundtable on Indigenous Property Rights and Economic Development. Virginia is PI on the ARC-funded UTS Garuwanga project to protect Indigenous Knowledge.

**Title**

**Healing a Fractured Society: Moving Beyond a Flawed Justice System**

**Abstract**
A history of dispossession, exploitation, stolen generations, racism and discrimination, inadequate housing, poor health, entrenched disadvantage, in combination with substance abuse, has created a fractured society which is essentially disconnected from a police and justice system that struggles to find cultural legitimacy. In this, little has changed since the Black Deaths in Custody Royal Commission twenty-five years ago. Statistics show that Aboriginal youth today are more likely to end up in prison than in university. Community driven solutions focus on giving people employment on country, reconnecting youth with their elders, strengthening language and culture, and driving positive change. My presentation looks at moving beyond the distrust and disaffection of Aboriginal youth and the cultural indifference of the justice system. It will take real
effort and bold solutions, but I argue that the seeds of real solutions have already been
sown. They just need to be nurtured.

Moana Jackson

Bio
Moana Jackson is a well-known and respected Māori activist and lawyer from Ngāti
Kahungunu and Ngāti Porou specialising in Treaty and constitutional issues. He has
worked internationally on indigenous issues, particularly drafting the UN Declaration
on the Rights of Indigenous Peoples’ and as a judge on the International Tribunal of
Indigenous Rights in Hawaii in 1993. Moana was the principle researcher and author of
He Whaipaanga Hou: Maori and the Criminal Justice system, published in 1988. This
report was, and remains, the only significant, empirical exploration of Maori
engagement with the New Zealand criminal justice system. Most recently, Moana
Jackson was a vocal critic of the government’s foreshore and seabed legislation in 2004,
and of the October 2007 police ‘terror’ raids perpetrated against the Tuhoe iwi (tribe) of
the Bay of Plenty in New Zealand.

Title

The Abolition of Prisons and Indigenous Self Determination

Abstract
In the Maori language there is no word for “prison”. This absence does not imply some
linguistic shortcoming but rather the fact that the very thought of incarcerating
wrongdoers away from those communities to which they belonged and which they had
harm by their wrongdoing was simply culturally incomprehensible. Indeed the idea
of prisons was not only contrary to Maori perceptions about how harm should be dealt
with but also the Maori notion of “just-ness” - the values which together made for a
balanced and equitable social order. Fundamental to that idea of just-ness was the
understanding that maintaining social order in a jural sense was an integral part of
mana or self determination. A polity could not be self determining if it did not have the
constitutional, political and legal power to define harm and deal with its consequences. The colonising imposition of its law and its prisons was necessarily a denial of that authority. The continuing existence of prisons is an ongoing breach of Maori and indeed indigenous self determination. In the Maori language there is similarly no word for “criminology”. This is also not a linguistic shortcoming but a reflection of the fact that causing harm was defined within distinct philosophies about human relationships and behaviour, the nature of ethics and ethical or non-ethical conduct, and the means to remedy wrong by restoring any relationships damaged by the wrong. It was known as “he whakamārama tōtika” or the enlightenment of restoring just-ness. This Paper will explore the links between these two fundamental Maori ideals and propose arguments for the abolition of prisons as part of the Maori quest for self determination.

Dr Amanda Porter

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

Title

Outsider Criminology: Lessons for Criminology From Beyond the Ivory Tower

Abstract
This paper examines the neglected contribution of what I term, ‘outsider criminologists’: Indigenous artists, activists and philosophers who have played an important role in advocating for criminal justice reform, but whose voices have been
largely ignored (with few exceptions) by criminologists and within criminology as a discipline. This paper begins by outlining the contribution of three such ‘outsider criminologists’: songwriter Kev Carmody, playwright Richard Frankland and academic Marcia Langton. It then offers some reflections on the possible causes for these apparent blind sights within criminology. This paper concludes by making the case for the importance of these lessons—not only for criminologists teaching and researching in the Indigenous justice space—but for criminology as a discipline.

Kanat Wano

Bio
Kanat is the Director of Fullblack Pty Ltd, Chief Facilitator and Coach Founder of: LIGHT Cockatoo, SpeakUp4OurKids (safety custodianships of our children), and Feeling Deadly Not Shame, a national mental health promotion resource used in Secondary Schools in Australia. Kanat is a direct descendant of the San Sep Clan of the Meriam Nation (aka Murray Islands, Torres Strait Islands) and her waters. He proudly wears the tribal Dhari (headress) of the Komet tribe. A traditional custodian and owner of Kerwaid lands and villages. He is accepted by the local Townsville and wider Queensland Indigenous community. The later periods of his career he has held senior and leadership roles. His well-respected and renowned expertise, judgement, professional - personal acumen has led him to influence and lead many industries, within Australia, Canada, Pacific and the US, spending time in various roles with (amongst others) Aboriginal Development Commission, Dept. of Aboriginal Affairs and Queensland Department of Corrective Services.

Title

‘Poverty of Spirit’: The Social Incarceration of Colonised Peoples, To Now Rebuilding Our ‘Abundance of Spirit’ - A Justice Perspective
Abstract
First Nations peoples were and are still physically subjected to laws that protect the rich and allows the persecution of the poor. Tony Fitzgerald QC, Queensland Fitzgerald Inquiry (1987–1989) stated; “it is against the law for a man to sleep under a bridge, yet does not take into consideration the need for the man to sleep under that bridge’. Stats clearly show an overwhelming number of First Nations people incarcerated in Australia for victimless crime. We, as First Nations people have identified this in-justice. The physical and spiritual impact of this equation, on our families and communities only perpetuates the Poverty of Spirit. Generally, First Nations, we are a communal society where we share our celebrations and grieving. The negative history of contact with the justice systems is so enshrined on our contemporary intergenerational landscape; it is in the lives we live in the past, present and future. Poverty of Spirit has many symptoms. This is not a black issue, nor a colour issue, this is a humanity issue. High incarceration, suicides, poor health, poverty, and unemployment, the list continues. A concerted effort is required on societal fronts to balance the imbalance. Our mob, to reclaim and return our concepts of pride and dignity, from the ashes of colonialism to our current day psyche. The judicial system needs to be a contributor to this scope of reinvigoration. Not to be only seen as a jailer for the people that pass thought the safety nets. Rather as a system, part of the solution towards Abundance of Spirit.

‘The opposite of poverty isn’t wealth. The opposite of poverty is justice.’
Bryan Stevenson

Professor Chris Cunneen and Dr Juan Tauri

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

Juan Tauri is a Ngati Porou criminologist and activist from Aotearoa New Zealand, and lecturer in criminology in the School of Health and Society, University of Wollongong, NSW, Australia. A graduate from the University of Cambridge, he is a critical commentator on criminal justice matters of importance to Indigenous peoples, including state responses, policy making, and media representation of crime and the Indigenous world. Juan has published widely and recently co-edited a special issue of the African Journal of Criminology and Justice Studies on ‘Indigenous Perspectives and Counter Colonial Criminology’.

Title

Towards an Indigenous Criminology: Critical Reflections on Epistemology, Practice and Critique

Abstract

In 2010, Nigerian criminologist, Biko Agozino, stated that the discipline of criminology is a “control freak” that’s epistemological foundations were laid in the colonial context. As such, the discipline has long approached Indigenous peoples residing in settler-colonial contexts, as a ‘problem population’ that needs to be managed through targeted surveillance (especially policing), geographical containment (in reservations and boarding schools to begin with, and of late via the prison industrial complex of late modernity), and/or ‘corrected’ through the ‘gift’ of western knowledge, in the form of psycho-therapeutic programmes and other, similar interventions. In this presentation we challenge the core assumptions of mainstream, Eurocentric criminology by arguing for the development of an Indigenous criminology. In so doing, we will endeavour to present some of the core conceptual, theoretical and epistemological principles of an Indigenous Criminology, and highlighting some of the key research and policy issues that are in urgent need of Indigenous-centred criminological inquiry.
Bios

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

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

Title

*A Decolonising Critique of the Disciplining and Disciplinary Inwardness of Criminology.*

Abstract

An intimate relationship between the disciplining and disciplinary role of criminology has powerful implications for Indigenous research, policy and activism. On the one hand, criminology seeks to discipline through controlling its objects: offenders, prisoners and at-risk persons. On the other hand, criminology seeks to enforce
disciplinary boundaries through focusing on police, courts, corrections and prisons. By employing a post-disciplinary framework, we offer an alternative to not only extending criminology’s reach to other disciplines but also to challenging the epistemological premise of criminology. We point to our ongoing research with Indigenous women and their organisations and movements that seek to foster communities of strength, empowerment and support. These communities focus on a diversity of issues and needs that are separate from the agendas of the state and related institutions. In doing so, we attempt to refocus attention from criminology’s discipline to Indigenous wellbeing in an attempt to decolonise the field.