

Decolonising Criminal Justice and Penal Power: Colonial Legacies, Contemporary Problems and Subaltern Perspectives

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CALL FOR PAPERS

Criminology has long been accused of ethnocentrism. The strong and persistent Anglo-American orientation of the discipline, some scholars argued, has offered a partial and distorted picture of crime and criminalization processes (Nelken 2009, Cunneen 2011, Aas 2011, 2012). While certain metropolises—like Los Angeles, London, Chicago and New York—have been over-researched, relatively little attention has been paid to the contours and exercise of penal power in vast portions of the globe. Moreover, much criminological work still remains constrained by the borders of the nation-state, thus neglecting transnational interconnectedness and interdependence in the operation of criminal justice institutions (Aliverti 2016, Bosworth 2012). Enduring distinctions and assumptions about the ‘west and the rest’ and the ‘centre and the periphery’ embed the production of criminological knowledge, marking out the boundaries of ‘respectable’ scholarship and presenting theories and findings produced in Anglo-American jurisdictions as normative (Zedner 2002, Carrington et al. 2016). Overall, criminology has overlooked the ways in which the ‘travels’ of penal power rely on and reinforce geopolitical hierarchies and structural violence, and are conversely subject to contestation and disruption (Melossi et al. 2011).

To a large extent, the abovementioned shortcomings boil down to a reluctance and failure by criminologists to place colonialism and its legacies at the heart of criminological enquiry (Agozino 2003). While some legal historians and criminologists have recently turned their attention to examine the relationship between criminal law, punishment and imperialism (Salvatore et al. 2001, Mukherjee 2003, Godfrey and Dunstall 2005, Brown 2014), less work has been devoted to drawing out the legacies of colonialism on the contemporary architecture of crime and justice. Structures of domination relied on the internalization of hierarchies and identities—racial, geographical, geopolitical, etc.—of both the colonized and the colonizer, and shaped their subjectivity through imageries, discourses, and technologies (Said 2003, Mignolo 2000, Fanon 2017 [1986]), De Sousa Santos, 2014). Decolonization did not dismantle this cultural, social and political apparatus.

This workshop seeks to address this neglect by exploring the uneasy relationship between criminal justice and colonialism, and to foreground the relevance of the legacies of this relationship to criminological enquiries. It invites and seeks to pursue a better understanding of the links between imperialism and colonialism on the one hand, and both nationalism and globalisation on the other, by exposing the imprints of these links on processes of marginalisation, racialisation and exclusion that are central to contemporary criminal justice practices. ‘Decolonising Criminal Justice and Penal Power’ will advance this objective by examining the reverberations of colonial history and logics in the operation of penal power. The workshop also aims to explore the critical potential of criminological scholarship, as a field that sits at the margins of several disciplines and perspectives, through a direct

engagement with Southern and subaltern epistemologies and perspectives. To do so, it will bring together established and emerging scholars from the humanities and social sciences, who work at the intersections of criminal justice and postcolonial studies. We are particularly interested in going beyond the 'diffusionist' model of penal transfer and exploring processes of resistance, contestation, rupture, and other narratives that destabilise longstanding assumptions about the criminal question and the colonial other (Hönke and Müller 2016, Rodriguez 2004).

Format and Themes

The workshop will host panels with two or three presenters and a discussant; each presenter will briefly introduce their work, which will be subsequently commented on by the discussant and debated with the broader audience. Additionally, the workshop will also have a closing roundtable which will seek to bring together the workshop's key conclusions. The presenters will submit drafts of their papers ahead of the workshop, which will be circulated among participants so as to enable closer engagement with all the papers.

Presentations and discussions will engage with the following general questions:

- How can postcolonial theory, studies and perspectives shed light on contemporary penal governance?
- What are the substantive and methodological contributions such engagement can make to the study of crime, criminalization and violence in a globalized world, and which can help us critically engage with the recalcitrance of nationalism?
- How can we advance an emancipatory project in criminology, while still recognizing it as being, to a large extent, a discipline created from the perspective of the colonizer?

Papers will focus on one or more of the following broad themes:

- Uprooting the Colonial Legacies of Crime and Justice: direct institutional and structural legacies; indirect legacies of colonialism on questions of crime and justice; internalized/repressed histories and biases; 'blind spots' in criminology; towards a phenomenology of subjection.
- Southern and Postcolonial Approaches to Criminology: reassessing 'familiar' criminological themes through postcolonial lenses and/or southern epistemologies; rethinking punishment, victimization and criminalization; race, gender and postcolonial violence; penal power and imperialism.
- Nationalism, Globalisation, Crime and Justice: criminology and development; border control; privatization and neoliberal trends in penal power; translations and transplantations of penal practices.
- Decolonizing Criminology: how to use the 'marginal' status of criminology to tap into its emancipatory potential; rethinking curricula and research in criminology through subaltern agencies and perspectives.

Confirmed speakers:

- Biko Agozino, Virginia Tech University
- Mahuya Bandyopadhyay, Indian Institute of Technology Delhi
- Mark Brown, University of Sheffield
- Chris Cunneen, University of Technology Sydney
- Rod Earle, Open University
- Nadine El-Enany, Birkbeck, University of London
- Manuel Iturralde, Universidad de Los Andes
- Nisha Kapoor, University of Warwick
- Goldie Osuri, University of Warwick
- Alpa Parmar, University of Oxford
- Coretta Phillips, London School of Economics
- Máximo Sozzo, Universidad Nacional del Litoral

Submission of papers:

If you would like to submit a paper proposal, please email cic@warwick.ac.uk with your name and affiliation, along with a title and an extended abstract of no more than 800 words by the **15th March 2020**. Submissions should engage directly with the themes of the workshop. Decisions will be communicated to authors by the end of March. We aim to circulate to the workshop participants full papers (i.e. polished drafts of around 7,000 words) by early September. As such, we expect to receive such drafts by the 1st of September, 2020.

Publication Plans:

We will invite presenters to submit manuscripts for a collective publication. While we have not approached publishers yet, we envisage organising an edited collection.

References

- AAS, K. F. 2011. Visions of global control: cosmopolitan aspirations in a world of friction. *In*: BOSWORTH, M. & HOYLE, C. (eds.) *What is Criminology?* Oxford: Oxford University Press.
- AAS, K. F. 2012. 'The Earth is one but the world is not': Criminological theory and its geopolitical divisions. *Theoretical Criminology*, 16, 5-20.
- AGOZINO, B. 2003. *Counter-Colonial Criminology: A Critique of Imperialist Reason*, London, Pluto.
- ALIVERTI, A. 2016. Researching the Global Criminal Court. *In*: BOSWORTH, M., HOYLE, C. & ZEDNER, L. (eds.) *Changing Contours of Criminal Justice: Research, Politics and Policy*. Oxford: Oxford University Press.
- BOSWORTH, M. 2012. Subjectivity and identity in detention: Punishment and society in a global age. *Theoretical Criminology*, 16, 123-140.

- BOSWORTH, M. 2016. Immigration detention, ambivalence and the colonial Other. In: ERICKSSON, A. (ed.) *Punishing the Other. The social production of immorality revisited*. Abingdon: Routledge.
- BROWN, M. 2005. Colonial history and theories of the present: some reflections upon penal history and theory. In: GODFREY, B. & DUNSTALL, G. (eds.) *Crime and Empire 1840-1940. Criminal justice in local and global context*. Devon: Willam.
- BROWN, M. 2014. *Penal power and colonial rule*, Abingdon, Routledge.
- CARRINGTON, K., HOGG, R. & SOZZO, M. 2016. Southern Criminology. *British Journal of Criminology*, 56, 1-20.
- CUNNEEN, C. 2011. Postcolonial Perspectives for Criminology. In: BOSWORTH, M. & HOYLE, C. (eds.) *What's Criminology?* Oxford: Oxford University Press.
- DORSETT, S. & MCLAREN, J. 2015. Laws, engagements and legacies: the legal histories of the British Empire -an introduction. In: DORSETT, S. & MCLAREN, J. (eds.) *Legal Histories of the British Empire. Laws, engagements and legacies*. Abingdon: Routledge.
- FANON, F. 2017 [1986]. *Black Skin, White Masks*, London, Pluto Press.
- GODFREY, B. & DUNSTALL, G. (eds.) 2005. *Crime and Empire 1840-1940. Criminal justice in local and global context*, Devon: Willam.
- HALL, C. 2002. *Civilising Subjects. Metropole and Colony in the English Imagination 1830-1867*, London, University of Chicago Press.
- HÖNKE, J. & MÜLLER, M. (eds.) 2016. *The Global Making of Policing. Postcolonial Perspectives*, Abingdon: Routledge.
- MELOSSI, D., SOZZO, M. & SPARKS, R. 2011. Introduction. Criminal Questions: Cultural Embeddedness and Diffusion. In: MELOSSI, D., SOZZO, M. & SPARKS, C. (eds.) *Travels of the Criminal Question. Cultural Embeddedness and Diffusion*. Oxford: Hart.
- MIGNOLO, W. 2000. *Local Histories/Global Designs. Coloniality, Subaltern Knowledges, and Border Thinking*, New Jersey, Princeton University Press.
- MUKHERJEE, U. 2003. *Crime and Empire. The Colony in Nineteenth-Century Fictions of Crime*, Oxford, Oxford University Press.
- NELKEN, D. 2009. Comparative Criminal Justice: Beyond Ethnocentrism and Relativism. *European Journal of Criminology*, 6, 291-311.
- RODRIGUEZ, J. 2004. South Atlantic Crossings: Fingerprints, Science, and the State in Turn-of-the-Century Argentina. *The American Historical Review*, 109, 387-416.
- SAID, E. 2003. *Orientalism*, London, Penguin.
- SALVATORE, R., AGUIRRE, C. & GILBERT, J. (eds.) 2001. *Crime and Punishment in Latin America*, Durham and London: Duke University Press.
- ZEDNER, L. 2002. Dangers of Dystopias in Penal Theory. *Oxford Journal of Legal Studies*, 22, 341-366.