INTRODUCTION: MAPPING THE CONTOURS OF STATE CRIME AND COLONIALISM

In his book, *Counter Colonial Criminology: A Critique of Imperialist Reason*, Biko Agozino argued that “criminology is a social science that served colonialism more directly than many other social sciences” and that it “emerged as a discipline for disciplining and controlling the Other at a time when colonial administrations were imprisoning most regions of the world” (Agozino 2003: 1, 6). Accordingly, he made the case for the “development of a decolonisation model of deviance and social control”, “one immediate consequence” of which would be,

> [C]riminologists will no longer focus exclusively on the punishment of individual offenders but will join the millions of people around the world who are demanding reparations for the crimes of the African holocaust (otherwise known as European trans-Atlantic slavery), the genocide against native Americans, Aboriginal Australians and the Maori in New Zealand, the crimes against humanity known as apartheid, the Arab slave trade, the stolen generations of Aboriginal children, the colonial pogroms in Africa, Palestine, Asia and South America and the crimes of the Japanese colonial adventurers in Asia. Such tasks will no longer be abandoned to journalists like Chang (1997), who opened the eyes of the world to the Nanking massacre while criminologists turned a blind eye. As Cohen (1993) and the Schwendingers (1970) have been crying in the wilderness, human rights crimes are also criminological problems which should no longer be excluded from the fat volumes that pretend to be comprehensive handbooks of criminology. (Agozino 2003: 244, 246)

As the above references to Cohen and the Schwendingers indicate, Agozino engaged in some discussion of the nascent literature on state crime. Moreover, the publication of his book coincided with the emergence of a new wave of criminological research into state crime, much of which has been showcased or reviewed in this journal and which has helped propel state crime studies towards a level of “maturity” (Lasslett 2014: 68). Notwithstanding the scope and vibrancy of this research, the relationships between colonialism and state crime have not been widely explored. There are many complex reasons for this, not least being perceptions of state crime predominantly derived from concepts of deviance or illegality based on contemporary human rights norms or international law, but it does distinguish state crime research from the broader body of critical criminology and
other domains within the humanities and social sciences, where Marxism, postcolonialism and other critical theoretical frameworks have been deployed to analyse the past and ongoing impacts of colonialism.

Within critical criminology, postcolonial perspectives have been particularly influential in the emerging fields of Southern and Indigenous criminology (for example, Connell 2007; Cunneen 2011; Cunneen and Tauri 2016; Carrington, Hogg and Sozzo 2016; and Carrington et al. 2018) that challenge the role of colonialism (and the separate but related phenomenon of settler colonialism) in shaping much mainstream criminology. Within disciplines such as law, history, political economy and political science, significant bodies of critical research have been published in relevant fields such as human rights (e.g. Moyn 2012), settler colonialism (e.g. Cavanagh and Veracini 2016) and transitional justice (e.g. Jones and Bernath 2017). There is also an ongoing and extensive debate between Marxist and postcolonial theorists over the nature of colonialism and whether it can be understood in universalist terms (e.g. Chibber 2013 and Warren 2017). Such a burgeoning literature provides a rich source of knowledge and approaches that can inform state crime research into the areas identified by Agozino above.

It is hoped the articles in this special issue of State Crime, many of which are based on extensive primary research and fieldwork, make a modest but important contribution to that research. They draw on a range of theoretical tools and traditions, and their diverse subject matter indicates the many dimensions to the topic. Individually and collectively, they raise some fundamental questions that require further discussion and debate if we are to develop distinctively criminological approaches to colonial state crime and facilitate resistance to it.

One of those questions is: to what extent is the colonial state a useful conceptual and analytical category? In posing and addressing that question, Mark Brown notes the state is a surprisingly under-theorized category within state crime literature. Focusing primarily on Southern Asia and engaging with some postcolonial theorists, he argues further that conceptions of the colonial state are “a chimera . . . of limited use”. Instead, drawing on Foucault and using the example of the 1876–1879 famine in India, he outlines a model of colonial governmentality which he suggests provides a better vehicle for “understanding the rationalities of rule that made events like mass famine death possible”. Brown does concede that governmentality is not a useful concept for “assigning culpability or blame” but concludes,

The question for state crime scholars is not whether new fields of culpability and blame can be unearthed in colonial contexts but whether they can find insights for the present in these worlds and archives of the past.

We return to the issue of culpability and blame below.
In the first of three articles in this issue that explore dynamics specific to settler-colonialism, Andrew Woolford and Wanda Hounslow further challenge some of the assumed categories within criminology and state crime literature by questioning “the notion of crime as a temporal event, or as the outcome of a linear criminogenic process”. Through an investigation of the experiences of Indigenous children in Canada’s Indian Residential School system between 1958 and 1973, they argue for “concepts of time that are pulsating, uneven, and persistent within a broader settler-colonial mesh”. This, they suggest, overcomes “reductionist” approaches to the “criminology of genocide” and is better suited to “the broader scope of settler-colonial state crime and its multi-nodal and mutating impacts on Indigenous peoples”.

Canada’s residential school system was one of the institutional mechanisms for the assimilation policies directed at Indigenous peoples by the Canadian state. Similar policies, typically enacted through the forced removal of Indigenous children from their families, operated in other settler-colonial states such as Australia. A shared feature of these policies is that they sit within a continuum of practices and policies stemming from forced dispossession and multiple systems of government control that normalize oppressive, criminogenic relationships between the settler state and Indigenous peoples. The often-devastating social impacts of these relationships are immediate, intergenerational and ongoing but, importantly, also generate multiple forms of resistance.

The resistance of Indigenous peoples is a common theme in the articles by Michael Grewcock and Thalia Anthony, who explore the criminogenic features of settler colonialism in Australia. Grewcock argues for an approach to state crime research that focuses on the systemic patterns of violence arising from colonization. In his analysis of settler-colonial genocide, he distinguishes between foundational violence, associated with the initial occupation and seizure of land and linked to Marx’s concept of primitive accumulation and the evolution of international law, and overlapping structural violence, including the forced removal of Indigenous children, which is reproduced by current state policies.

Anthony develops similar themes in her critical analysis of the 2016–2017 Royal Commission into the Protection and Detention of Children in the Northern Territory (NT). The Commission was established following the broadcast of video footage showing Indigenous teenagers being routinely tortured and abused in a NT youth detention centre. Drawing on testimony given to the Commission and analysing its findings, Anthony argues forcefully that the abuses identified by the Commission formed “part of a pattern of ongoing structural violence that re-asserts the settler-colonial state’s sovereign position”. She concludes “that redressing state crimes against Indigenous children” requires going beyond the constraints of the Royal Commission process and “challenging the structural injustice of the settler-colonial state”.

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The articles by Elizabeth Rhoads and Alke Jenss shift the focus to Myanmar and Mexico, two developing, postcolonial states where state practices are shaped by and continue to reflect colonial relationships. In her study of mass forced evictions in Yangon (Rangoon), Rhoads highlights the continuities between the urban planning and population control policies of the British colonial government from 1852 to 1948, and the policies of successive post-independence governments. Like Anthony, Rhoads draws on Harvey’s (2003) concept of accumulation by dispossession, in this case to argue that criminogenic policies, largely driven by the organizational goal of land control for the benefit of business and government elites, have dispossessed and inflicted systemic harm on the urban poor.

Jenss also focuses on property relations as a key to understanding the links between “tens of thousands of forced disappearances”, mass displacement and “changing patterns of land tenure and production” in Mexico. Central to her analysis is the tension between private property and communal land tenure in regions earmarked by the government for economic development in the form of “large-scale and capital-intensive projects” and “mono-cultures” that introduce “new patterns of dependency”. Jenss adopts Quijano’s (2000) notion of coloniality and develops the concept of the “commodities consensus” to explore how land enclosure and mass expulsion effectively amounts to “the loss of (the right to) life”. This is occurring in the context of a murderous state-sponsored war on drugs being prosecuted in the areas most affected by these changes. She concludes that “state’s operational logic in making private property can be defined as state crime” for two reasons: enclosure is causing severe social harm equivalent to that caused by acts condemned as crimes, and “enclosures directly involve violent acts that threaten physical integrity, by paramilitary groups or state institutions” (Italics in original).

The three articles that follow take up the issues of redress and reparation raised by Agozino and left open by Brown. Bill Rolston and Fionnuala Ní Aoláin use the case study of Ireland to “interrogate the ability of transitional justice in the post-colonial period to adequately make amends for colonialism”. They outline various critiques of the transitional justice paradigm in which they find “there is clearly a blindness about colonialism” and note the “absence of the concept of colonialism from contemporary deliberations and practices of transition in relation to the Northern Ireland conflict”. They also question the uniform utility of “hard mechanisms” such as prosecutions for long-past acts, restitution and reparations. However, they do suggest there is some value in “soft mechanisms” such as apologies and “actions of symbolic reparation”. In particular, they stress the importance of naming colonialism in relation to the Irish experience. The value of this, they conclude, is that it “has the potential, however remote, of allowing the descendants of colonialists, dispossessed and settlers to understand their interrelationships,
thus possibly contributing to a genuine reconciliation based on firm foundations of truth and recognition”.

The articles by José Atiles-Osoria, and Regina Menachery Paulose and Ronald Gordon Rogo provide a closer examination of reparations. Analysing the mobilization for reparations in the Caribbean, Atiles-Osoria develops Maldonado’s (2007) concept of decolonial justice to answer the fundamental question posed by Agozino: “[w]hat sort of punishment would be proportional to the crimes of slavery and colonialism for which people of African descent are deservedly demanding reparation?” In answering this, Atiles-Osoria emphasizes a crucial distinction between conceptions of reparations shaped by Global North legal systems or international law and conceptions of decolonial justice that begin “with the recognition of the Other” as an equal, acknowledge the nature and scale of past violence, and emphasize a “logic of generosity and recognition”.

By contrast, Paulose and Rogo examine recent attempts by the Mau Mau and Herero and Nama peoples to obtain reparation from the British and German governments for colonial crimes in Kenya and Namibia. Relying principally on international law, Paulose and Rogo suggest a “formula for colonial reparations and beyond” that includes “a determination of what state crimes took place”; the “continued impact on remaining victims and survivors”; and an assessment of the reparations necessary to “bring a holistic redress” that provides “direct and ultimate benefit to the survivors” (italics in original).

A consistent theme throughout the special issue is the need to work towards “structural justice”. This clearly cannot occur without significant political and social change, and an approach to academic research that views it as a means of informing and engaging with wider civil society and giving voice to those who have experienced the effects of state crime. To this end, we are pleased to conclude the articles with a roundtable discussion on the ground-breaking Minutes of Evidence Project. Based in Melbourne, Australia, the project revived the 1881 Victorian Parliamentary Inquiry into the Aboriginal Reserve at Coranderrk (east of Melbourne), which examined the campaign by Indigenous people to prevent the land being sold off to private interests. Unusually, the Inquiry heard and recorded the testimonies of many of the Aboriginal people affected. The roundtable brought together the main participants in the project, who discuss some of the important theoretical implications of their work for understanding settler colonialism and structural justice, and the innovative methods they used, including theatre, to take the project and the testimonies from the Inquiry into high schools and the wider public domain.

Combined with this collection of articles, the roundtable demonstrates some of the challenges and possibilities for developing state crime research. We hope this special issue contributes to that research and stimulates further discussion and debate that helps extend the boundaries of our emerging discipline.
Finally, my thanks to the authors, book reviewers and peer assessors for the time and patience you have devoted to this project.

Michael Grewcock, Special Issue Editor.

References


