



Neo-Colonial Criminology 10 Years On: The Silence Continues

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Abstract

Decolonial academic discourse has gained substantial momentum since 2010, prompting the question of whether research on hyperincarcerated Indigenous peoples in settler-colonial societies has increased. Earlier research found a lack of engagement with this social problem in high-ranked criminology journals in the decade preceding 2010. This study focuses on the subsequent decade (2011–2020) to ascertain any discernible shifts. The discursive mass on hyperincarcerated populations (Indigenous, African American, Hispanic American) is determined, finding that it still fails to reach the critical mass required to mainstream the idea that most discussions of criminality cannot afford to remain colourblind considering lived realities. Publication-to-incarceration-rate ratios for hyperincarcerated populations are compared, finding that the relative silence regarding Indigenous peoples also continues. The study concludes that the surging decolonial debate had little effect on the quantity of topical research published in high-ranked mainstream criminology journals, calling for future research to investigate why and to address any qualitative changes.

Keywords: Decolonisation; decoloniality; marginalisation; Māori; Aboriginal.

Introduction

‘Comparative criminology should not just compare *across space* but *through time*.’
(Blagg and Anthony 2019: 37)

At the time of writing, a Scopus search for peer-reviewed journal articles with ‘decolonisation’ in the title, abstract or keywords yielded 748 results for the decade 2001–2010 and 3,769 results for the decade 2011–2020. Notwithstanding the rough measure, this five-fold increase speaks to the tangible momentum the decolonial debate has gained in academia. In the specific context of criminology, Moosavi (2020: 332) argues that ‘[i]n recent years, “intellectual decolonisation” has become so popular in the Global North that we can now speak of there being a “decolonial bandwagon”’. Given that the hyperincarceration of Indigenous peoples in settler-colonial societies is ongoing (Cunneen and Tauri 2016), the question arises whether the recent surge in the decolonial debate has also led to a surge in criminological research publications that focus on this social problem. Considering their comparable histories of British invasion and colonisation, the jurisdictions of Australia, Canada, Aotearoa New Zealand (NZ) and the United States (US) lend themselves to a comparative study. Moreover, the fact that the US hyperincarcerates two further populations—African and Hispanic¹ Americans—can serve as an additional comparative measure.

Partly due to citation indexing and ranking processes, high-profile academic journals assume a pole position in elite scholarly discourse and are associated with high-quality research (Northcott and Linacre 2010). They can set trends for topical scholarly debates and reproduce discursive power within academia because articles published in elite journals illustrate to



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other academics not only what topics are worthy of discussion and how to undertake research but also how to narrate research findings for enhanced scholarly status. This discursive power extends into the production of undergraduate textbooks, as they tend to cover research debates that dominate the academic discipline (see, e.g., Martín 2014; Young 1990). Academics have privileged access to the scholarly discourse of their field (Brown 1995; van Dijk 2008). Since discursive power over criminological issues concentrates in high-ranked academic journals, academics who publish in elite journals not only determine the topics worth talking about but also decide how frequently these topics are discussed. Hence, access to elite journals equips publishing scholars with the power to exclude particular social problems and populations from academic discourse, and thus silence and marginalise them (Cunneen 2006; Smith 1999).

Based on these premises, Deckert (2014) quantitatively reviewed 35 high-ranked criminology journals from 2001–2010 to determine the extent to which Indigenous peoples in Australia, NZ, Canada and the US were covered. To that end, Deckert (2014) determined the percentage of articles published on all hyperincarcerated populations in the four jurisdictions and used publication-to-incarceration-rate ratios to compare discourse on ‘Indigenous peoples in the criminal legal context’ with discourse published on two other hyperincarcerated populations—African and Hispanic Americans. The study found that only 4.8% of all published research articles focused on hyperincarcerated Indigenous, African American and/or Hispanic American populations, and that the publication rates on African and Hispanic Americans matched their respective rates of incarceration (1:0.6 and 1:0.4, respectively). However, the publication-to-incarceration-rate ratios were much lower for Indigenous peoples (ranging between 1:2.2 and 1:14.1), concluding that elite mainstream academic journals tend to be relatively silent on hyperincarcerated Indigenous peoples in Australia, NZ, Canada and the US compared to African and Hispanic Americans. Considering the recent surge in the decolonial debate, the current study seeks to determine whether anything has changed. Specifically, it asks whether research on the topic of ‘Indigenous peoples in the criminal legal context’ remains underrepresented in high-ranked criminology journals over the decade 2011–2020 (absolute silence) and compared to African and Hispanic Americans (relative silence).

Hyperincarceration and its Criminogenic Effect

Australia incarcerates First Nations people at a rate of 2,333 per 100,000 (Australian Bureau of Statistics 2020), making ‘Indigenous Australians the most incarcerated people in the world’ (Blagg and Anthony 2019: 10). The US incarcerates African Americans at a rate of 2,306 per 100,000, First Nations people at a rate of 1,291 per 100,000² and Hispanic Americans at a rate of 831 per 100,000 (Prison Policy Initiative 2010; US Census Bureau 2021; US Department of Justice 2021). Canada incarcerates First Nations people at a rate of 1,265 per 100,000 (Statista 2019; Statistics Canada 2016),³ and NZ incarcerates Māori at a rate of 681 per 100,000 (NZ Department of Corrections 2016; Stats NZ 2018, 2020). These excessive incarceration rates constitute one of the biggest, if not *the* biggest, problems in the criminal legal context of English-speaking settler-colonial jurisdictions.

These incarceration rates for Indigenous peoples, as well as for African and Hispanic Americans, vastly exceed the so-called ‘inflection point’ of 429 per 100,000, at which imprisonment rates become associated with higher crime rates within these populations (Liedka, Piehl and Useem 2006). In other words, 429 per 100,000 is considered the tipping point at which incarceration starts to have a criminogenic effect *on* a community due to imprisonment being normalised *within* the community and the breakdown of social and family ties that would normally motivate people to desist from crime (Brown 2010). It is this ‘inflection point’ that turns incarceration rates from a social *concern* into a social *problem*, demonstrating that disaggregated data collection remains valuable in identifying social inequities. Case in point, African Canadians are also said to be hyperincarcerated; however, racially disaggregated data are missing (Owusu-Bempah et al. 2023).

Orthodox vs Counter-Colonial Criminology

Mainstream criminologists have received praise for exposing the hyperincarceration of Indigenous peoples (Clifford 1984). They have, however, also been criticised for marginalising Indigenous voices and for playing a significant role in producing many of the issues that Indigenous peoples and ethnic minorities face in contemporary Eurocentric criminal legal processes (Agozino 2003, 2004; Cunneen and Tauri 2016; Lynch 2000; Tauri 2012, 2017; Webb 2017). Academics have ‘inadvertently provided empirical support to the colonial enterprise’ (Tauri 2012: 774) that, for example, aided in the individualised application of risk-based responses to offending while ignoring systemic racial biases that drive the overpolicing and hyperincarceration of Indigenous peoples (Gordon and Webb 2023).

Counter-colonial criminologists argue that orthodox criminology rejects Indigenous peoples’ worldviews, knowledges and epistemologies (Agozino 2004; Cunneen and Tauri 2016; Tauri 2017). This rejection constitutes a negative experience that is said to drive Indigenous peoples away from criminology, both as academics and research participants (Smith 1999; Tauri 2017). To counteract this contemporary trend, elite mainstream criminologists would have to respect Indigenous worldviews, knowledges and epistemologies (Cunneen and Tauri 2016; Smith 1999; Tauri 2017); employ non-silencing research methods

when studying issues that primarily affect Indigenous communities (Deckert 2015; Tauri 2017); and more frequently pay attention to hyperincarcerated Indigenous peoples until this social problem is universally recognised and aptly addressed by policymakers (Cunneen and Tauri 2016). This call addresses academics in their function as the critics and conscience of society and their ensuing responsibility to raise awareness of societal problems and offer solutions (see Harland et al. 2010).

Language of Exclusion vs Tipping Point

Foucault (1969) defined discourse in his analyses of power structures. He understands it as a system of thoughts, ideas, concepts, theories and practices. This system makes statements about the world it seeks to explain. Through these explanatory statements, the system generates new knowledge and simultaneously limits it. Limitations occur because the system needs to reject contradictory statements that threaten the internal consistency of its ongoing narrative. Hence, criminological discourse determines the scope of its field of inquiry and constructs the identity of the subjects involved in the criminal legal system, labelling and categorising them as offenders, victims, witnesses and professionals.

Power manifests in *who* talks. The voices that shape a specific discourse have power over it (Cook 2008; Fairclough 2001; Phelan 2009). Several studies have, therefore, identified the most cited scholars of criminological discourse in academic journals and textbooks (Cohn and Farrington 2008; Cohn, Farrington and Iratzoqui 2017; Roche, Fenimore and Jennings 2019). In general, Indigenous academics do not dominate scholarly discourse (Asmar, Mercier and Page 2009; Smith 1999).

The instrument of discourse is language (Foucault 1969; Lessa 2005). Language offers several dimensions in which discursive power can manifest. For one, it can manifest in semantic microstructures (i.e., *what* is talked about and *how*). These microstructures are unearthed through discourse analysis, revealing biased representations of distinct social groups created by lexicon, syntax and rhetoric. For example, scholars convey messages about powerfulness and powerlessness (Smith and Galinsky 2010) by using positive words and active sentences to describe dominant social groups, while negative words and passive sentences are used to describe marginalised social groups (van Dijk 2008).

Discursive macrostructures are equally important, i.e., *how often* a specific topic is talked about (van Dijk 2008); that is, which topics are regularly discussed, and which are rarely covered. The criminological discourse that prevails (mainstream) generates intellectual, moral and cultural power within the discipline (Said 1979; van Dijk 2008). Recognising the importance of the quantity of discourse, Goyes and South (2021) recently assessed 24 elite criminology journals and found a dearth of research on Indigenous people in the criminal legal system (N = 155). However, unlike Deckert's (2014) study, their dataset spanned the entire record of each journal, from its inaugural issue to the data collection point, which averaged '33 years each and for an added total of 796 years if taken as a continuum' (Goyes and South 2021: 117). Hence, their dataset does not allow for a direct comparison of the two decades that delineate the periods before and after the surge of the decolonial debate. The question thus becomes: what quantity of research is required before a particular discourse can claim to adequately address a social problem?

Centola et al. (2018) evidenced that 25% is the critical mass required to mainstream ideas about social conventions. Thus, for academia to adequately respond to social problems and raise public awareness requires not only *quality* in research but also a proportionate level of research *quantity*. Criminological research articles tend to cover several problem domains, including a defined crime or crime type (e.g., fraud), a specific stage of the criminal legal system (e.g., court), a particular type of actor (e.g., jury member) and a particular location (e.g., Utah). In line with Centola et al.'s (2018) theory, a particular crime type is, for example, addressed in adequate quantity if at least one article is published for every fourth crime that occurs. Setting aside the discussion of whether the police-recorded crime rate, conviction rate or estimated dark figure⁴ may be more appropriate, incarceration rates are undoubtedly the most conservative way of measuring the scale of a crime problem. Considering the impact of discursive critical mass, Michel (2018) argues that the lack of academic research quantity on white-collar crime leads to less news media attention on the problem and, in turn, an underinformed public and polarised opinions on penal policy that perpetuate myths on upper-class criminality. Similarly, Norris (2017) noted, in her analysis of research publications on female incarceration, a homogenisation of said population, despite evident Indigenous overrepresentation, concluding that the examined criminological discourse is colourblind.

For the social problem of hyperincarcerated populations, this means that the discursive tipping point is reached if 25% of all published research articles include a focus on this social problem. Only if this percentage is reached can discourse in elite mainstream criminology journals be said to address this social problem with adequate quantity. In this regard, it is important to note that the *entire* body of topical literature (i.e., including low-ranked and unranked academic journals, monographs, edited collections and reports) may reach or even exceed the discursive tipping point. Moosavi (2020) suggested that this is the case, warning of the 'decolonial bandwagon'. If Moosavi is right, any percentage below the tipping point found in elite criminology journals would suggest that the academic discourse that draws attention to hyperincarcerated Indigenous peoples occurs mainly *outside* elite mainstream criminology journals, leading to the question of why that is the case.

Research Questions

Due to the continuing hyperincarceration of Indigenous peoples in Australia, NZ, Canada and the US, the research questions posed by Deckert (2014) a decade ago remain pressing, especially since the critique of contemporary orthodox criminology for disengaging with Indigenous peoples is ongoing (see, e.g., Anthony et al. 2023; Blagg and Anthony 2019; Guerzoni and Walter 2023; Tauri 2017). The following questions respond particularly to the criticism that elite mainstream criminological discourse remains complicit in the silence about hyperincarcerated Indigenous peoples (Goyes and South 2021):

1. Has research on hyperincarcerated Indigenous peoples in Australia, NZ, Canada and the US been underrepresented in high-ranked mainstream criminology journals over the past decade (2011–2020)?
2. Have hyperincarcerated Indigenous peoples in Australia, NZ, Canada and the US been underrepresented in high-ranked mainstream criminology journals over the past decade (2011–2020) compared to hyperincarcerated African and Hispanic Americans?
3. Considering the recent surge in the decolonial debate, does the quantity of research on ‘Indigenous peoples in the criminal legal context’ published in high-ranked mainstream criminology journals show a trend that indicates a significant change between 2001–2010 and 2011–2020?

Research Design

The empirical nature of this study aligns with conceptualisations of Indigenous quantitative methods (see, e.g., Walter and Anderson 2013), as its key aim is to identify patterns and trends of silence on hyperincarcerated Indigenous peoples in high-ranked mainstream criminology journals and thus identify areas in which decolonial work has yet to be undertaken (Smith 1999; Walter and Anderson 2013).

To enable a genuine comparison between articles published in the two decades, 2001–2010 and 2011–2020, this study used the same journal ranking as Deckert (2014). Hence, journals ranked as A*, A or B in the *Australia & New Zealand Society of Criminology Report on Criminology Bibliometrics Development* (Brown and Daly 2007) were included in this study.⁵ The number of research articles was determined by excluding all published materials not based on original research.⁶ Retracted research articles were excluded.

From the dataset, articles on the topic ‘Indigenous peoples in the criminal legal context’ (topical articles) were identified. Topical relevance was determined through a keyword-based search that included the title, abstract, keywords and full text. The following keywords were used: ‘Indigenous’, ‘Indigeneity’, ‘Aboriginal’, ‘First Nation’, ‘American Indian’, ‘Māori or Maori’, ‘Native’, ‘Torres Strait Islander’, ‘Inuit’ and ‘Métis’. To be included in the study, reference to a particular stage in the criminal legal system was unnecessary. Therefore, studies about crime types, policing, crime prevention, prisons, courts and victimisation entered the dataset, as well as theoretical and historical works. Comparative studies that cover one or more of the four countries were also included and counted for each of the included populations. However, studies referring only to Indigenous peoples outside Australia, NZ, Canada and the US were excluded.

The same data collection process was then applied to the topics ‘African Americans in the criminal legal context’ and ‘Hispanic Americans in the criminal legal context’, as these are the social groups also hyperincarcerated in the four countries.⁷ For these populations, the search of the title, abstract, keywords and full text used the following terms: ‘African-African OR African American’, ‘Black’, ‘Afro-American’, ‘Latino OR Latina OR Latinx OR Hispanic’, ‘Chicano’, ‘Spanish’, ‘person of color OR people of color’, ‘non-white’ and ‘race OR racial OR racialized’. The data collection for these articles also looked for the implicit or explicit exclusion of Indigenous peoples through a full-text search.

Finally, the percentage of publications on all included hyperincarcerated populations was calculated, as well as the publication rates and publication-to-incarceration-rate ratios for each social group. As discussed, the ratios serve to illustrate how many articles were published per incarcerated individual of each social group, thus allowing a conservative comparison of how much discursive attention was paid to each hyperincarcerated social group.

Limitations

Some of the journals did not publish any topical articles during the examined decade and may have done so for credible reasons. It may be because (a) the topic does not fit the scope of the journal, (b) all submitted articles on the topic were rejected for other reasons, or (c) no topical article was submitted. However, if a journal published at least one topical article during the decade, it can be assumed that the subject fits its scope, which was true for most journals. Only three journals did not publish any topical articles on either Indigenous peoples or African or Hispanic Americans between 2011 and 2020, and they were excluded from the dataset to prevent these outliers from artificially lowering the calculated publication rates.

However, three journals were added to the data collection that had been excluded by Deckert (2014) because they only started publishing after 2001. Additionally, unlike Deckert (2014), this study had full access to the content of the journal *Police Practice and Research*, which was, therefore, included in the study. However, the journal *Social Justice: A Journal of Crime, Conflict and World Order* had to be excluded from the study due to cost–value considerations, as the researcher did not have free access to this journal’s archives. Hence, the list of journals from which the data were collected is not 100% identical to the list used by Deckert (2014). However, due to the consistently high rankings of all journals and the overall data volume, the datasets remain comparable.

Regrettably, oversimplified concepts of race and indigeneity have to be reiterated in the write-up of the findings to accurately document patterns of neo-colonial criminological research; that is, research that (a) marginalises social problems that primarily affect Indigenous people (Deckert 2014); (b) marginalises Indigenous voices through the use of silencing research methods when investigating the topic ‘Indigenous peoples in the criminal legal context’ (Deckert 2015); or (c) couches its findings in colourblind terminology, for example, overrepresentation, educational underachievement and mental illness (Norris 2017).

Findings

The *Australia & New Zealand Society of Criminology Report on Criminology Bibliometrics Development* (Brown and Daly 2007) ranked 44 journals as A*, A or B. Three of the 44 journals were excluded from the study. Similar to Deckert (2014), this study excluded the journal *Acta Criminologica* because of its explicit focus on South African crime and criminal justice studies.⁸ Two further journals were excluded because they did not accept unsolicited material.

Two journals changed their name; that is, from the *Australian and New Zealand Journal of Criminology* to the *Journal of Criminology* and from the *International Journal of the Sociology of Law* to *The International Journal of Law, Crime and Justice*.

In the 37 journals included in the study, a total of 11,583 original research articles were identified (Table 1). This compares to 8,887 research articles identified in 35 journals by Deckert (2014) in the previous decade. That means the average number of research articles published in each journal over the decade has increased from 254 to 313.

Journals and Articles that Cover Indigenous Peoples

Of the 37 journals, 24 published at least one topical article during 2011–2020. That makes three more journals compared to the previous decade (N = 21).

Of the 11,583 research articles, 151 were topical, compared to 105 in the previous decade, which constitutes a slight increase from 1.18% to 1.3% of all articles published in the respective decade. The average number of topical articles across all journals included in the dataset increased from 3.0 in the previous decade to 4.1.

The four journals that published the most topical articles were the *Australian and New Zealand Journal of Criminology* (N = 22), the *Canadian Journal of Criminology and Criminal Justice* (N = 19), *Current Issues in Criminal Justice* (N = 14) and *Trends and Issues in Crime and Criminal Justice* (N = 13). Notably, both the *Australian and New Zealand Journal of Criminology* and *Current Issues in Criminal Justice* are edited by scholars who work and reside in Australia. That means that the journals that published, on average, the most articles remained the same compared to the previous decade (see Deckert 2014). Only the order has changed slightly. In fact, these four journals published 68 of all topical articles, which is 45% of the total 151.

More than half (N = 78) of the 151 articles were dedicated to First Nations people in Australia, and roughly one-quarter (N = 41) were devoted to First Nations people in Canada (Table 2). Only 12 articles were dedicated to First Nations people in the US, six to Māori and two to Native Hawaiians. Twelve articles included Indigenous peoples from more than one country and were, therefore, accounted for separately (these articles are double-counted in Table 2 according to the Indigenous peoples they cover). Of these 12 articles, eight refer to Indigenous peoples without specifying a country or countries (these articles are, therefore, not accounted for in Table 2). Of the remaining six articles, three included First Nations in Canada, two included First Nations in Australia, two included First Nations in the US, and one included Māori. That means, compared to the previous decade, First Nations people in Australia remain the most discussed, reflecting the fact that ‘Indigenous Australians are the most incarcerated people in the world’ (Blagg and Anthony 2019: 10). First Nations in Canada have gained more attention, while attention to First Nations in the US and Native Hawaiians has dwindled. The number of articles dedicated to Māori remains relatively stable compared to the previous decade. Table 1 also demonstrates

that, although six journals reached double-digit percentages, not a single journal reached the tipping point of 25% discourse that covers hyperincarcerated populations.

Table 1. Total and topical articles published in selected journals, 2011-2020

<i>Journal name</i>	<i>Overall total</i>	<i>Indigenous</i>	<i>African American*</i>	<i>Hispanic American*</i>	<i>All hyper-incarcerated as % of total</i>
British Journal of Criminology	634	10	5	2	2.7
Criminology	261	0	30	16	17.6
Law and Society Review	283	1	13	8	7.8
Punishment and Society	248	6	8	5	7.7
Theoretical Criminology	266	5	5	0	3.8
All A plus	1,692	22	61	31	6.7
Australian and New Zealand Journal of Criminology**	263	22	0	0	8.4
Crime and Delinquency	598	5	53	28	14.4
Criminal Justice and Behavior	820	0	33	21	6.6
Criminology & Criminal Justice	303	0	1	1	0.7
Journal of Law and Society	283	4	0	0	1.4
Journal of Quantitative Criminology	300	0	24	10	11.3
Journal of Research in Crime and Delinquency	255	1	27	15	16.9
Justice Quarterly	432	3	55	34	21.3
Law and Policy	161	2	2	2	3.7
Law and Social Inquiry	274	0	5	2	2.6
Policing and Society	442	0	6	5	2.5
Social and Legal Studies	275	8	0	0	2.9
All A	4,406	45	206	118	8.4
Canadian Journal of Criminology and Criminal Justice	176	19	6	1	14.8
Crime Law and Social Change	524	2	4	2	1.5
Crime, Media, Culture	183	2	2	1	2.7
Crime Prevention and Community Safety	177	2	0	0	1.1
Criminology and Public Policy	207	0	12	6	8.7
Critical Criminology	310	7	3	2	3.9
Current Issues in Criminal Justice	181	14	1	0	8.3
Feminist Criminology	189	0	10	5	7.9
Homicide Studies	169	1	9	3	7.7
Howard Journal of Criminal Justice	270	0	1	0	0.4
International Journal of Law, Crime and Justice***	327	3	2	2	2.1
International Review of Victimology	161	4	0	0	2.5
Journal of Criminal Justice	573	0	13	1	2.4
Journal of Experimental Criminology	243	0	8	3	4.5
Law and Contemporary Problems	358	0	6	5	3.1
Police Practice and Research	360	2	2	2	1.7
Police Quarterly	191	0	9	6	7.9
Trends and Issues in Crime and Criminal Justice	201	13	0	0	6.5
Violence Against Women	793	12	30	10	6.6
Youth Justice	135	3	0	0	2.2
All B	5,485	82	118	49	4.5
Total	11,583	151	385	198	6.3
Average per journal per decade		4.1	10.4	5.4	
Percent of total		1.30	3.32	1.71	6.3

* Comparative articles including both African and Hispanic Americans are counted twice, i.e., once for each social group

** now *Journal of Criminology*

*** formerly the *International Journal of the Sociology of Law*

Table 2 shows that, compared to the previous decade, the topical article rate has increased for all included populations except for First Nations in the US. The article rate for First Nations in Australia is now 691 per 100,000 articles (up from 540). The article rate for First Nations in Canada has increased from 225 to 380, and for Māori from 56 to 60. The article rate for First Nations in the US has decreased markedly from 338 to 121. The article rates for African and Hispanic Americans both slightly increased: from 3,162 to 3,323 and from 1,665 to 1,709, respectively.

Table 2. Incarceration-to-publication rate ratios for hyperincarcerated populations compared, 2001-2020

	<i>Australia</i> *	<i>Canada</i> **	<i>NZ</i> †	<i>US</i> ††	<i>African American</i> ††	<i>Hispanic American</i> ††
<i>As percentage of total population</i>	3.3	4.8	16.5	1.1	12.4	18.7
<i>As percentage of prison population</i>	29.6	25.2	50.8	1.7	39.1	18.6
<i>Incarceration per 100,000 social group</i>	2,333	1,265	681	1,291	2,306	831
<i>Number of topical articles</i>	80	44	7	14	385	198
<i>Topical articles per 100,000 incarcerated individuals</i>	691	380	60	121	3,323	1,709
<i>Incarceration-to-article rate ratio</i>	3.4 : 1	3.3 : 1	11.4 : 1	10.7 : 1	0.7 : 1	0.5 : 1

* ABS (2020)

** Statistics Canada (2016), Statista (2019). “‘Aboriginal identity’ includes persons who are First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are Registered or Treaty Indians (that is, registered under the Indian Act of Canada) and/or those who have membership in a First Nation or Indian band.” (Statista 2019)

† Stats NZ (2018, 2020), NZ Department of Corrections (2016).

†† US Census Bureau (2021), US Department of Justice (2021), Prison Policy Initiative (2010). Since US census and prison statistics consider ‘Native Hawaiians or Pacific Islanders’ one group, only ‘American Indian and Alaskan Native’ persons could be included in the table.

The publication-to-incarceration-rate ratio has worsened for all included populations except for Māori. In illustrative terms, fewer articles per incarcerated individual were published than in the preceding decade. While Deckert (2014) found that one article for every 2.2 Indigenous people incarcerated in Australia was published in the preceding decade, in the following decade (2011–2020), one article covered 3.4 such individuals. For Māori, the ratio has improved. From 2001–2010, one article was published for every 14.1 incarcerated individuals; now, one article covers 11.4 such individuals. In comparison, the article rate for African and Hispanic Americans remained stable across the two decades. One article was published for every 0.6 incarcerated African and every 0.4 Hispanic Americans in 2001–2010, compared to, respectively, 0.7 and 0.5 such individuals in the following decade. These changes need also to be viewed considering the proportion of Indigenous individuals in both the general and prison populations, which is discussed later.

Journals and Articles that Cover African and Hispanic Americans

Of the 37 journals, 30 published at least one topical article on African and Hispanic Americans from 2011–2020. That means the percentage of journals that published such topical articles decreased from 94% in the previous decade to 81%, suggesting a potential increased specialisation among elite criminology journals.

Of the 11,583 articles, 401 covered African or Hispanic Americans in the criminal legal context, which is 3.46% (down from 3.54% in the previous decade). Of the 401 articles, seven focused solely on Hispanics (down from 30 in the previous decade), while 80 articles focused solely on African Americans (up from 68 in the previous decade). As in the previous decade, the majority of the remaining 314 included multiple social groups. Of these 314 articles, 112 compared White and African Americans (up from 99 in the previous decade), 26 compared African and Hispanic Americans (up from 15 in the previous decade) and 165 compared African, Hispanic and White Americans (up from 99 in the previous decade). Eleven articles used the categories White and non-White or racialised and non-racialised. Not all of these eleven articles made explicit which social groups were included in the non-White group. In Tables 1 and 2, comparative articles are double-counted depending on which social group they include, which brings the total percentage of publications on all hyperincarcerated populations to 6.3% (up from 4.8% in the previous decade).

Hence, African Americans featured in at least 385 articles, which is 3.32% of all research articles included in this study (up from 3.16% in the previous decade). Hispanic Americans featured in at least 198 articles, which is 1.71% of all research articles included (up from 1.67% in the previous decade). In comparison, White Americans—a social group not overrepresented in the US criminal legal system—featured in 288 of the research articles that also covered African and Hispanic Americans (i.e., 2.48% of all research articles, up from 2.27% in the previous decade), excluding the number of studies that focused solely on White Americans.

Although African Canadians also experience hyperincarceration (Owusu-Bempah et al. 2023), only two research articles were dedicated to this topic (up from zero in the previous decade). However, since racially disaggregated data are missing in the Canadian context (Owusu-Bempah et al. 2023), the ratio between incarceration and article rates could not be calculated.

The average number of articles per journal increased for African Americans, from 8.0 in the previous decade to 10.4 in 2011–2020. The average number of articles per journal for Hispanic Americans increased from 4.2 to 5.4. Ten of the 37 journals published articles on both African and Hispanic Americans above the average article rate (refer to Table 1). This compares to eight out of 35 in the previous decade (see Deckert 2014). Seven journals published more than twice the average number of topical articles: *Criminology*, *Crime and Delinquency*, *Criminal Justice and Behavior*, the *Journal of Quantitative Criminology*, the *Journal of Research in Crime and Delinquency*, *Justice Quarterly* and *Violence Against Women*. Most of these journals are A-ranked.

Of all 401 topical articles, 35 included First Nations people in their dataset, but in only 13 of these articles did First Nations people receive their own category. In the other 22 articles, First Nations people were included in groups labelled ‘other’ or ‘non-White’. A further 22 articles explicitly excluded First Nations people from the dataset. Both the category collapse and the explicit exclusion were mostly justified with small sample sizes. Of the 191 topical articles that compared either African and Hispanic Americans (N = 26) or African, Hispanic and White Americans (N = 165), 20 articles explicitly excluded First Nations people from the dataset, and 24 included First Nations people in their dataset, with 10 of these categorising First Nations people as such. Hence, the majority of topical articles that included both hyperincarcerated African and Hispanic Americans failed to mention First Nations people as another hyperincarcerated population.

Discussion

This study set out to quantify the discourse on ‘Indigenous peoples in the criminal legal context’ in elite mainstream criminology journals published over the decade of 2011 to 2020 to ascertain whether the recent surge in decolonial dialogue (Moosavi 2020) has led to a surge in the discourse on ‘Indigenous peoples in the criminal legal context of settler-colonial societies’ in high-ranked mainstream criminology journals.

Addressing Research Question One

Research on hyperincarcerated Indigenous peoples in Australia, NZ, Canada and the US has indeed been underrepresented in high-ranked criminology journals over the past decade (2011–2020). Of all research articles, only 6.3% focused on hyperincarcerated populations (1.3% Indigenous peoples and 5.03% African and/or Hispanic Americans). This compares to 4.73% of all research articles in the previous decade (1.18% Indigenous peoples and 3.54% African and/or Hispanic Americans). While the overall number of articles on this social problem has increased, the discursive quantity still demonstrates a pronounced discrepancy between the lived realities of hyperincarcerated populations and the coverage of this significant social issue in high-ranked mainstream criminology journals. The discursive quantity on hyperincarcerated populations in Australia, NZ, Canada and the US published in high-ranked mainstream criminology journals still falls far below the critical mass of 25% (see Centola et al. 2018). This critical mass value is needed to mainstream the idea that most discussions of criminality cannot be divorced from racial inequalities, from anti-Black, anti-Hispanic or anti-Indigenous racism and from related histories of slavery and colonisation (Cunneen and Tauri 2016).

Addressing Research Question Two

The findings evidenced that hyperincarcerated Indigenous peoples in Australia, NZ, Canada and the US have been underrepresented in high-ranked mainstream criminology journals over the past decade (2011–2020) compared to hyperincarcerated African and Hispanic Americans. The publication-to-incarceration-rate ratios for African and Hispanic Americans both exceeded one article per incarcerated individual of the respective population. Thus, although the total discursive mass on hyperincarcerated populations failed to reach critical mass in high-ranked mainstream criminology journals, African and Hispanic Americans received at least the scholarly attention that matches their rate of incarceration. Arguably, the calculated ratios concerning African and Hispanic Americans, which remained very stable over the two

compared decades, are indicative of how much discursive attention elite criminology journals can, at the very least, pay to hyperincarcerated populations.

Most studies that covered both African and Hispanic Americans *implicitly* excluded Indigenous peoples from the discourse. They failed to mention First Nations people even though the incarceration rate for First Nations peoples in the US is higher (1,291 per 100,000) than that of Hispanic Americans (831 per 100,000), albeit lower than that of African Americans (2,306 per 100,000). As a logical consequence of the current incarceration rates, any study that includes both African and Hispanic Americans should also include First Nations people. Relatively few studies *explicitly* excluded First Nations peoples or collapsed them into an ‘other’ or ‘non-White’ category together with ethnic minorities, arguing that the small sample size would justify either of these actions. It is argued here that such ethnic categorisations are not value-neutral but convey a political message because they undermine the unique rights and legitimate claims Indigenous peoples—unlike ethnic minorities—have to unceded land and self-governance (Bodley 1990; Stevenson 1998). While dismissing the category of indigeneity means adopting a neo-colonial assimilation narrative, its use implies an acknowledgement of Indigenous rights and the intergenerational impact colonisation had on the criminalisation of Indigenous peoples (Cunneen and Tauri 2016). As Baird (2016: 522) states:

categorizing people [...] as either indigenous or not has important implications, both materially and symbolically. [...] [T]he concept of indigeneity has great potential to at least partially rectify some of the past and present injustices being committed against poor and disadvantaged people [...]. Indigeneity can be an important tool for decreasing injustices.

In sum, compared to the quantity of discourse on hyperincarcerated African and Hispanic Americans, high-ranked criminology journals remain relatively silent on Indigenous peoples hyperincarcerated in Australia, NZ, Canada and the US.

Addressing Research Question Three

A comparison of the decades 2001–2010 and 2011–2020 showed that the total number of topical articles has increased, as have the overall percentage of topical articles and the topical article rates for all included populations, except for First Nations people in the US. However, in the examined journals, the proportion of topical articles has remained relatively stable compared to the previous decade, remaining well under 2%, as before. Moreover, the slight increases in the article rates are no match to the increase in incarceration rates that has occurred over the past decade. While the publication-to-incarceration-rate ratio has slightly improved for Māori, this increase is afforded to both the slight decrease in the incarceration rate compared to the previous decade and the slight increase in the number of publications, from 5 to 7 in total.

Overall, the improvements that have been achieved from one decade to another can, by no means, be described as significant, as the incarceration rates for Indigenous peoples in Australia, Canada, NZ and the US have further increased. Hence, while discourse in elite mainstream criminological discourse has started paying a little more attention to the social problem that the hyperincarceration of Indigenous people poses, the level of attention lags behind the continuing increases in incarceration. Even though the publication-to-incarceration-rate ratio has improved for Māori, it is still three times lower than the ratio identified for First Nations people in Australia and Canada.

Overall Discussion

The post-2010 surge in decolonial academic dialogue mentioned by Moosavi (2020) has not led to a surge in the quantity of research addressing hyperincarcerated Indigenous peoples in settler-colonial societies published in high-ranked criminology journals. The discourse in high-ranked criminology journals remains largely silent on the issue—both absolutely and relatively speaking—and colourblind.

The silencing of social issues that primarily concern Indigenous peoples (Cunneen 2006; Smith 1999) can manifest in several ways. This study focused on the *frequency* of academic discourse on Indigenous peoples in the criminal legal contexts of Australia, NZ, Canada and the US in high-ranked criminology journals, finding a continued dearth. These findings prompt the question of *why* the silence continues, and future research is required to address this pertinent question.

Some have stated that orthodox criminology represents an unwelcoming environment for Indigenous scholars and scholars who seek to centre Indigenous voices because it tends to discount or understate the long-term effect that settler colonisation has had on the criminalisation of Indigenous peoples (Blagg and Anthony 2019; Cunneen and Tauri 2016; Tauri 2017). ‘[T]he relative absence of discussion of colonialism in criminology is itself an *effect* of colonialism’ (Cunneen and Tauri 2016: 11, emphasis in the original). While colonialism as an explanatory factor remains silenced in mainstream criminological discourse (Cunneen and Tauri 2016), the effect of slavery on the present-day hyperincarceration of African Americans has—thanks to scholarly works of Davis (2003), Alexander (2010) and others—entered mainstream thought, as exemplified by the documentary film *13th* by Ava DuVernay.

One of the possible consequences of an unreceptive mainstream criminological discourse is that social issues that concern Indigenous peoples are more likely to be discussed in specialised Indigenous journals. An Indigenous-led criminology journal did not exist in 2001–2010. Since then, the open-access journal *Decolonization of Criminology and Justice* has been established, which explicitly seeks to fill this gap. Even though alternative options for publications exist, the absence of topical articles in most high-ranked criminology journals may speak either to how these journals are perceived or how these journals have dealt with submitted topical manuscripts. These hypotheses arise from the fact that a small number of journals published most of the topical articles throughout the decade. Some of these journals demonstrate local specialisation (e.g., the *Australian and New Zealand Journal of Criminology* [now *Journal of Criminology*] or the *Canadian Journal of Criminology and Criminal Justice*) and may, for that fact alone, be perceived as appropriate for topical articles. However, a small number of other journals have markedly increased the number of articles published over the past decade compared to the previous one. For example, the *British Journal of Criminology* increased the number of topical articles from two to 10, *Critical Criminology* increased from two to seven and *Violence Against Women* published 12 articles, compared to the previous four. Whether these journals responded to the decolonial critique by making a concerted effort to attract and accept topical manuscripts or scholars' perception of these journals has changed and, if so, due to which factors, remains to be investigated. Future research will also need to establish why some elite criminology journals may be perceived as unreceptive to Indigenous issues.

As the research findings confirm an ongoing lack of research *quantity*, the question arises whether the recent surge in decolonial dialogue has had any *qualitative* effects on research processes; in particular, whether the growing decolonial debate has led to increased use of non-silencing research tools (see Deckert 2015) when addressing questions pertaining to Indigenous peoples in the criminal legal system.

Most of the contemporary decolonial critique focuses on orthodox criminologists who publish on hyperincarcerated Indigenous peoples. By and large, these researchers are criticised for failing to directly engage with Indigenous communities and/or Indigenous scholarship (see, e.g., Agozino 2003; Blagg and Anthony 2019; Cunneen and Tauri 2016; Goyes and South 2021; Tauri 2012, 2017). In other words, most of the contemporary critique does not pertain to academics who *remain silent* (i.e., who fail to speak up about Indigenous issues at all)—with the recent exception of Goyes and South (2021), who noted that research on the topic 'Indigenous peoples in the criminal legal system' lacks in quantity in leading criminology and criminal justice journals. Hence, the *silent* academic is perhaps not as antagonising to Indigenous peoples as the *silencing* scholar, who intentionally excludes First Nations voices through silencing research methods (see Deckert 2015).

Conclusion

The findings from this study revealed that the post-2010 surge in the decolonial debate (Moosavi 2020) has not led to an increased *quantity* of research on hyperincarcerated Indigenous peoples being published in elite mainstream criminology journals. Firstly, the absolute discursive mass on hyperincarcerated populations (Indigenous, African American, Hispanic American) in high-ranked mainstream criminology journals increased slightly over the two decades (2001–2010 and 2011–2020) but remained well under 7% in total and well under 2% for Indigenous peoples. Hence, the quantity of discourse on this social problem in high-ranked mainstream criminology journals still fails to reach the critical mass required (25%) to mainstream the idea that most discussions of criminality cannot afford to remain colourblind. The lived realities of hyperincarcerated populations stand in stark contrast to the largely homogenised discourse in high-ranked criminology journals. Secondly, the relative silence continues, with comparatively more attention being paid to African and Hispanic Americans than to (equally or more) hyperincarcerated Indigenous populations. In other words, if there is indeed a 'decolonial bandwagon', as Moosavi (2020) suggests, it exists *outside* the discourse of elite mainstream criminology journals.

The pervasive and persistent silence on hyperincarcerated Indigenous peoples in high-ranked criminology journals supports the notion that orthodox criminology remains complicit in advancing imperialism (Agozino 2003, 2004; Blagg and Anthony 2019; Cunneen and Tauri 2016; Goyes and South 2021; Kitossa 2012; Norris 2017). Discourse generates power, as it legitimates certain versions of reality while excluding alternative ones (Lessa 2005). Hence, control over criminological discourse equips those who have privileged access to it with the power to legitimate their views. The current frequency of discourse on Indigenous peoples in the criminal legal context of Australia, NZ, Canada and the US—or better, the lack thereof—suggests that the dominant view in elite mainstream criminology is that the hyperincarceration of First Nations peoples is not as problematic as the general 'crime problem'. This ongoing trend confirms the notion that colour-blindness prevails in orthodox criminological discourse (Norris 2017).

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¹ Since the gender-neutral term Latinx remains contested (Noe-Bustamante, Mora and Lopez 2020), the term ‘Hispanic’ is used, as employed by the Federal Bureau of Justice Statistics (n.d.).

² Since US census and prison statistics consider ‘Native Hawaiians or Pacific Islanders’ one group, only ‘American Indian and Alaska Native’ persons are included in this number.

³ ‘‘Aboriginal identity’ includes persons who are First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are Registered or Treaty Indians (that is, registered under the Indian Act of Canada) and/or those who have membership in a First Nation or Indian band’ (Statista 2019).

⁴ the unknown mass of unreported and unrecorded offences

⁵ To compare, the 2021 Social Sciences Citation Index (SSCI) for the category Criminology and Penology (compiled by the Web of Science/Clarivate Analytics) lists 44 journals. Of these 44, 31 journals are also listed by Brown and Daly (2007). Of the 13 journals not listed by Brown and Daly, but listed on the SSCI, five do not publish in English (three German, one French, one Slovenian). Thus, there is, neglecting the non-English-speaking journals, a nearly 80% overlap between Brown and Daly’s (2007) list and the 2021 SSCI.

⁶ Addresses, after-words, announcements, appreciations, book reviews, commentaries, counterblasts, dialogues, editorials, essays, executive summaries, Festschriften, film reviews, interviews, letters to the editor, literature reviews, memorial notes, obituaries, perspectives, photographic essays, postscripts, policy application essays, policy essays, practitioners’ notes, remarks, research notes, revisions, symposium contributions, theatre reviews, tributes and similar publications.

⁷ Due to the lack of racially disaggregated data in the Canadian context (Owusu-Bempah et al. 2021), the inclusion of data on ‘African Canadians in the criminal legal context’ had to be abandoned.

⁸ As the journal focuses on one specific postcolonial context, works on Indigenous peoples in settler-colonial societies fall, arguably, outside the scope of the journal. Hence, the journal was excluded to prevent this outlier from artificially lowering the calculated publication rates.

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