

Neo-colonial practices and narratives in criminological research

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Researcher positionality and introduction

In 2006, I took a one-year sabbatical from both my job as a lawyer and my PhD candidature in Germany to complete a Master of Laws (LLM) in Aotearoa New Zealand (hereafter Aotearoa). At that time, my knowledge about the country was limited to what I could glean from travel guidebooks. The first LLM course taught me about the European invasion of Aotearoa and the injustices Māori peoples had experienced and continue to face. I remember fiercely debating the Foreshore and Seabed Act 2004 in the classroom because its blatant anti-Māori racism and violation of basic legal principles flabbergasted me.¹ Having been raised in communist East Germany, it had been drilled into me that antisemitism and other forms of racial discrimination must be confronted and actively resisted. My home country had outlawed racism and celebrated activists like Angela Davis and Nelson Mandela (Goethe Institute, 2022). Yet, I had to frequently observe my black-haired, olive-skinned father being poorly treated by both state authorities and fellow citizens. These experiences heightened my sense of (in)justice, hypocrisy, and tokenism.

In 2007, I made Aotearoa my home and, in 2009, I completed my legal doctorate in Germany via long-distance study. The ink on my PhD had barely dried when I started my academic career in early 2011. As I was still publishing off the back of my PhD dissertation, in which I had examined the misuse of diplomatic passports, I had not developed a firm sense of my future research direction. Hence, I sought inspiration by reading ferociously and attending as many local conferences as possible.

At one of these conferences, a session with the title ‘Indigenous offending’ caught my attention. Being a non-native English speaker, I wondered (tongue firmly in cheek) whether criminalized behaviours existed that could only be committed by Indigenous people or whether the title was meant to refer to criminalized behaviours committed by Indigenous people. Thus armed with a healthy amount of scepticism, I sat down and listened to four presenters. All were academics of European descent. None had talked to a single Indigenous person during the research process. None had Indigenous co-researchers or partner organizations. Two of the presenters had used official statistics, one had analyzed coroner reports, and one had employed an observational protocol that entailed watching how Aboriginal people moved around in a courthouse. I was stunned. How did these scholars convince themselves (and others) that their

interpretation of the data was meaningful – in the sense of producing truthful knowledge about Indigenous communities – as their understanding was inevitably limited through the sole use of Western ways of doing and thinking (i.e., methods)? That is not to say that Western methods are necessarily exclusionary. The slogan ‘nothing about us without us’ originated in Europe, after all, as the rallying cry of political movements in sixteenth-century Poland (Davies, 1984). I recall wondering whether the conference presenters and their audience would have accepted it if male scholars interpreted data collected on women without asking for female perspectives.

At dinner with a group of conference attendees, I shared my disbelief with Māori criminologist Juan Tauri who happened to sit across the table. He laughed and said: “That doesn’t surprise me at all. They are too scared to talk to us Brown folks. We’ve been critiquing this kind of ‘research’ [air quotes hand gesture] for decades.” “But how bad is it?”, I asked. “How much of the research that gets published ignores Indigenous voices – I mean statistically speaking?” To which Juan replied, “I have no idea. You go and find out!” (personal communication, 28 September 2011). I simply nodded as I was determined to do exactly that. Little did I know that the decision I made that evening would shape my academic journey in fundamental ways and that Juan and I would start co-editing the journal *Decolonization of Criminology and Justice* only six years later.

This chapter is based on a decade of research into neo-colonial scholarly practices and academic narratives about Indigenous peoples that emerge from elite criminology journals. After briefly outlining the theoretical premises and design of my research, I will discuss three of these neo-colonial practices and narratives that continue to undermine decolonization efforts in criminology: the relative silence on the mass incarceration of Indigenous peoples; the overuse of silencing research methods; and the use of assimilation narratives. In doing so, I demonstrate three key features of what I call neo-colonial criminology. Firstly, over the last 20 years, elite mainstream criminology journals have remained relatively silent about the mass incarceration of Indigenous people. Secondly, the use of silencing research methods when studying Indigenous populations and the criminal legal system has decreased over the last 20 years but is still much higher compared to their general use by criminologists and also when compared to their use with other hyperincarcerated populations, i.e., African and Hispanic Americans. Thirdly, US-based studies that include Indigenous peoples in their data collection often use assimilation narratives that disappear Indigenous peoples into categories such as ‘non-White’ or ‘other’.

Based on my findings, I argue that the dearth of mainstream criminological narratives on the mass incarceration of Indigenous people contributes to and reflects the inadequate public attention paid to this social issue, perpetuates colourblind narratives of criminal justice, and undermines decolonization efforts in criminology. The dearth of research is exacerbated by the fact that silencing research methods continue to dominate criminological studies on (not with) Indigenous people published in elite mainstream criminology journals. I argue that one of the overarching narratives that thus emerges from these academic journals is the claim that truthful knowledge about Indigenous people in the context of the criminal legal system can be obtained without involving Indigenous voices. Lastly, I argue that the narrative disappearing of Indigenous people into non-Indigenous categories constitutes a marginalizing micro-aggression and contributes to undermining Indigenous peoples’ “legal and political uniqueness [...] [and] relationship to the land” (Stevenson, 1998, p. 40).

Criminology and imperialism, past and present

My research is based on the premise that criminology is inextricably linked to imperialism and that research that fails to recognize colonization as an explanatory factor for contemporary

realities in criminal legal systems is bound to be flawed and incomplete (Cunneen & Tauri, 2016). While Ross (1998) demonstrates how European invaders constructed the Indigenous ‘other’ as inherently deviant and criminal, Agozino (2003) explains that criminology was solely created to serve imperialist expansion. He argues that criminologists provided colonizers with the ‘scientific’ narrative that justified the control and punishment of the Indigenous ‘other’. Criminalizing numerous aspects of Indigenous culture was a key strategy to enforce colonial-genocidal and assimilation policies (Cunneen & Tauri, 2016). Following its effective use in the colonies, the same narrative was employed to institutionalize the so-called *Minderwertige* (biologically inferior people) in Europe – Jewish people, Roma, Sinti, sexual deviants, and people with mental or physical disabilities (Wetzell, 2000).

Critical race and critical Indigenous theorists have long sought to illuminate the mechanisms of academic imperialism and have highlighted the urgent need to decolonize the academy (e.g., Bourdieu et al., 1994; Briggs & Sharp, 2006; Brown, 1995; Cochran et al. 2008; Delgado, 1984, 1992; Lynch, 1999; Menzies, 2001; Raju, 2011; Rakowski, 1993; Smith, 1999; Stevenson, 1998; Van Dijk, 1993, 2008). This broader discussion was accompanied by a wide range of discipline-specific critiques (see, e.g., Erskine, 1998; Harrison, 1997).

The concept of neo-colonialism, coined by Kwame Nkrumah (1965), has been applied to the academic context to expose scholars from former colonial powers who extract data in former colonies but analyze the data without involving local researchers and publish findings without acknowledging local data collectors (Nagtegaal & De Bruin, 1994). Some use the term neo-colonialism also to describe Western scholars’ domination of knowledge production and dissemination, which serves to marginalize theories and methods developed in former colonies (see, e.g., Murphy & Zhu, 2012) – an idea that has also been conceptualized as the coloniality of knowledge.

The theory of the coloniality of knowledge asserts that the knowledge hierarchy privileges Western knowledge over other knowledges. Individual positions in this knowledge hierarchy are said to correlate with positions in a power hierarchy that was created by the coloniality of power. The theory of the coloniality of power explains that, with colonial expansion, a power hierarchy was created through “the codification of the differences between conquerors and conquered in the idea of ‘race’, a supposedly different biological structure that placed some in a natural situation of inferiority” (Quijano, 2000, p. 533) and the global division of labour along those imagined racial lines (Quijano, 2000). This global division of labour is also said to affect academic labour. Both the theory of the coloniality of knowledge and its companion, decoloniality theory, are based on the premise that universal truths do not exist, but rather that several (more localized) truths or knowledges co-exist (Ndlovu-Gatsheni, 2013; see also Nakata, 2007; McKenna, Moodie & Onesta, 2021). Theories based on this premise have been criticized because of their inherent epistemic relativism, which has been said to undermine decolonial aspirations (Chambers, 2020). On the other hand, Hull (2021) points out that the internal logic of both theories – i.e., regarding all knowledges as equal – necessitates that neither neo-colonialism (referring to non-physical, often indirect forms of oppression or exploitation), decolonization (undoing colonialism), nor Western theories can “be dismissed for being false or evidentially unjustified” (p. 72). Hence, decolonization and decoloniality theory are not at odds but share important characteristics. They both recognize that the production of knowledge is influenced by social, economic, political, and cultural factors and both advocate for the uncovering and critiquing of knowledge claims that are affected by hegemonic biases (Chambers, 2020). With their goal to disrupt (neo-)colonial narratives and practices, both are fundamentally political in nature. Following these pioneering efforts of the 1990s and 2000s, the (de)coloniality movement gained significant momentum in the 2010s. Since then, research

publications in this area have accelerated at such a rate that Moosavi (2019) speaks of a ‘decolonial bandwagon’, warning about the inherent danger that “some manifestations of intellectual decolonisation may [...] reinscribe coloniality” (p. 332).

Next to (de)coloniality theory, post-colonialism, anti-colonialism, counter-colonialism, neo-colonialism, and decolonization remain concepts that are used in criminological debates. Regardless of their differences, which I have debated elsewhere (Deckert, 2015), criminological scholars who employ these concepts are united in their critique of oppressive and exploitative scholarly traditions in former colonies and occupied lands (see, e.g., Agozino, 2019; Blagg & Anthony, 2019; Cunneen & Tauri, 2016; Porter, 2016). On the one hand, criminology has been criticized for *actively* engaging in neo-colonial narratives and practices such as using othering discourse (Agozino, 2003, 2004, 2010; Kitossa, 2012; Phillips & Bowling, 2003; Tauri, 2012a, 2012b; Young, 2011) and opposing the development of Indigenous criminologies (Agozino, 2003; Clifford, 1984; Tauri, 2012a, 2012b). On the other hand, criminology has been criticized for neo-colonial acts of *omission*, i.e., its lack of participatory research methods in the race-crime debate (Agozino, 2004, 2010; Deckert, 2015; Phillips & Bowling, 2003; Tauri, 2012a, 2012b; Young, 2011) and its failure to cite and engage with Indigenous scholarship (Cohen, 1988; Deckert, 2014; Goyes & South, 2021; Phillips & Bowling, 2003; Tauri, 2012a, 2012b). Some may argue that, like in criminal law, ‘acts of omission’ can only be committed if a duty of care obliges a party to act in a certain way. A duty of care is generally established through an existing relationship between two parties. I argue that academic criminologists’ duty (of care) to involve Indigenous and minority voices in their research stems from the fact that their careers are largely built on the backs of Indigenous and minority communities. When criminologists in Aotearoa, Turtle Island, and the occupied countries known as Australia write about people who are policed, arrested, convicted, imprisoned, or victimized, they inevitably write, by and large, about Indigenous, Black and minoritized populations. Many orthodox criminologists like to obfuscate this fact though by couching their research findings in colourblind terms such as overrepresentation, educational underachievement, negative life experiences, socio-economic status, and rates of mental illness and drug addiction (see Norris, 2017).

Finally, my research is based on the premise that neo-colonial narratives and practices that emerge from high-ranking criminology journals exert discursive power because the high status of these journals is associated with high-quality research (Northcott & Linacre, 2010). Therefore, research published in these journals is a prime source for politicians and journalists who, in turn, shape the public discourse (Usdansky, 2008). Moreover, I argue that, regardless of the respective discipline, studies published in elite mainstream academic journals exemplify how to conduct research and narrate research findings. They thus set an example for other scholars who seek to advance their careers by getting published in high-ranked journals that promise a higher-than-average citation count.

Research design

To ascertain whether a specific discourse requires decolonization, we must first verify that (neo-)colonial narratives exist and prevail in this discourse. Identifying *prevalent* discursive patterns requires both empirical inquiry and a significant sample size. Hence, my research involved three main steps. First, I identified elite mainstream criminology journals. From the array of citation-based academic journal rankings, I opted for the report by Australian criminologists Brown and Daly (2008) to mitigate Northern hemisphere domination in the publishing market. They list a total of 152 criminology journals using the quality category labels A+, A, B, and C. Quality descriptions are, however, only provided for the first three categories (Brown & Daly, 2008).²

To represent ‘the elite’, I only included A+, A, and B-ranked journals that published research between 2001 and 2010 in my original data collection (Deckert, 2014, 2015). A subsequent data collection covered the period between 2011 and 2020 (Deckert, forthcoming). The second step in the research process consisted of counting the number of research articles, i.e., articles that convey original research findings, excluding all other publication types such as editorials, commentaries, and book reviews. I found a total of 8,887 research articles published in the first decade (2001–2010) and 11,583 in the following decade (2011–2020). Finally, I determined how many of these research articles focused on Indigenous peoples or African Americans or Hispanic Americans and were based in Aotearoa or the countries known as Australia, Canada, and the US. This resulted in a subset of research articles, which I coded for employed research methods and descriptive categories (names) used for Indigenous peoples.

Silence

For the purpose of this research, silence is understood as both the absolute absence of narrative and the relative absence of narrative. How much or how often an issue is talked about exerts discursive power because only when the extent of a debate reaches critical mass is the issue recognized as a social problem (Usdansky, 2008). “Shifts in consensus on social problems among scholars have been linked to parallel shifts within journalism and public opinion” (Usdansky, 2008, p. 76), which means that scholarly discourse is, if not impactful, at least insightful in the recognition of social problems.

In both the original and second data sets, I found articles that solely focus on Indigenous peoples. In the period 2001 to 2010, I found a total of 105 such articles and 151 in the following decade (2011–2020). Goyes and South (2021), who recently conducted a similar study but with fewer search terms, a different journal selection process and over a longer period, also found a dearth of research on Indigenous people in elite criminology journals ($N = 155$). Nevertheless, it can be said, that, over the last 20 years, the overall number of research articles that acknowledge the mass incarceration of Indigenous peoples has significantly increased. Albeit a handful of journals published the bulk of these articles (Deckert, 2015), elite mainstream criminology journals cannot be said to be *absolutely* silent about Indigenous peoples.

To determine whether a *relative* silence exists, I calculated the proportion of Indigenous incarceration rate to article rate in all four countries and compared them with the same proportion calculated for mass-incarcerated African and Hispanic Americans. Incarceration and article rate are compared because the former illustrates the scale of the real-life issue (mass incarceration), and the latter represents the level of attention that this issue receives in high-ranked criminology journals. Drawing on Usdansky (2008), the assumption behind this comparison is: the higher the article rate compared to the incarceration rate, the more this social issue is publicly recognized.

As Table 44.1 shows, in comparison to the incarceration rates, the article rate for Indigenous people in the countries known as Australia, Canada, and the US has shrunk in the period 2011–2020 when measured against the previous decade. Even though a greater number of articles on Indigenous people was published between 2011 and 2020, no improvement in the proportion between article and incarceration rates can be noted because incarceration rates of Indigenous people have further increased compared to the previous decade. In other words, although the number of publications has increased, this increase pales in comparison to the growth in incarceration. Only the proportion between article and incarceration rate for Māori in Aotearoa has slightly improved from one decade to the next, yet it remains the lowest proportion compared to the proportion for other Indigenous peoples included in this study. In comparison, for African

Table 44.1 Proportion of article and incarceration rates in elite mainstream criminology journals over two decades for mass-incarcerated populations

	2001–2010	2011–2020
Australia, Indigenous	1: 2.2	1: 3.4
Canada, Indigenous	1: 2.3	1: 3.3
Aotearoa, Indigenous	1: 14.1	1: 11.4
US, Indigenous	1: 2.4	1: 10.7
US, African American	1: 0.6	1: 0.7
US, Hispanic American	1: 0.4	1: 0.5

or Hispanic Americans the proportion of article and incarceration rates demonstrates an inverse relationship. That means, this social problem – the mass incarceration of African and Hispanic Americans – is well covered in elite mainstream criminological discourse, while the mass incarceration of Indigenous peoples receives inadequate attention. In line with Usdanky (2008), this relative silence suggests that the mass incarceration of Indigenous peoples is not recognized as a social problem in public opinion. This lack of recognition is, in turn, reflected in ever-growing incarceration rates. Thus, I argue that elite mainstream criminological discourse continues to contribute to the reproduction of social inequality through its relative silence on a key social issue (Deckert, forthcoming).

Silencing research methods

I coined the term silencing research methods (Deckert, 2015) to refer to data collection tools that entirely omit the voices of the researched populations. Silencing research methods are marked by a lack of direct engagement between researcher and researched and prevent the researched from articulating their lived experience and expertise. Examples include the use of personal health records, crime statistics, and observational protocols. However, this is not to say that silencing research methods are innately ‘bad’ research tools. For example, in their book, Walter and Anderson (2013) demonstrate the value of *Indigenous Statistics*. However, because findings gleaned from silencing research methods constitute researchers’ exclusive interpretation of research subjects’³ lived experiences, the overuse of such methods constitutes an act of suppression, if not oppression, thus emphasizing how the choices we make in social sciences research are profoundly political.

Overall, criminologists’ primary choice trends toward non-silencing research methods, which allow participants to share their knowledge or views, be it in interviews, focus groups, experiments, or surveys (Deckert, 2015). Like the current study, Kleck, Tark and Bellows (2006) analyzed research articles published in elite mainstream academic journals. When categorizing surveys, experiments, and interviews as non-silencing research methods, their findings mean that less than half of the studies (43.7%) used silencing research methods (Deckert, 2015). From a similar, more recent study (Woodward et al., 2016) it can be gathered that, overall, only 28.8% of contemporary criminological research published in elite mainstream journals use silencing research methods (Deckert, forthcoming). In short, between 28.8 and 43.7% (average 36%) of criminological studies published in elite mainstream journals use silencing research methods.

I sought to find out how this overall trend compares to the use of silencing research methods with Indigenous peoples, African Americans, and Hispanic Americans. I analyzed all research articles contained in the two data sets (2001–2010 and 2011–2020) that focused on Indigenous peoples as well as research articles that focused on either African or Hispanic Americans to

Table 44.2 Percentage of studies published in elite mainstream criminology journals over two decades that use silencing research methods by mass-incarcerated population

	2001–2010 (%)	2011–2020 (%)
Australia, Indigenous	79.2	62.8
Canada, Indigenous	80.0	63.4
New Zealand, Indigenous	100.0	66.7
US incl. Hawaii, Indigenous	63.3	57.1
US, African American	57.4	37.5
US, Hispanic American	30.0	28.6

determine which type of data collection tools criminological researchers used for their projects. If mixed methods were used and one of the methods was non-silencing, the study was counted as using a non-silencing research approach.

As Table 44.2 illustrates, studies that focused on either African or Hispanic Americans fall within the normal range of criminologists' use of silencing research (28.8 to 43.7%). While the use of silencing research methods has decreased for all Indigenous peoples included in this study from one decade to the next – thus following an overall trend that seems to occur in elite mainstream criminology journals – the use of non-silencing research methods when studying Indigenous communities is not yet on par compared with their use in criminological research in general.

Studies about Indigenous peoples in elite orthodox criminology journals are twice as likely to be based on silencing research methods compared to studies that focus on African or Hispanic Americans and compared to the overall use of silencing research methods in these journals. So, while there is an overall downward trend in the use of silencing research methods, neo-colonial practices still dominate within the pages of these criminology journals. I argue that this practice is example-setting because the overarching narrative that emerges from these elite journals is that truth claims about Indigenous communities in the context of the criminal legal system can be made without involving Indigenous voices. In light of a contemporary push towards decolonization in criminology (Moosavi, 2019), it remains to be seen whether the downward trend in the use of silencing research methods continues.

A dearth of Indigenous citations and authorship in elite mainstream criminology journals may help explain the disproportionate use of silencing research methods when researching Indigenous peoples in the criminal legal system. As Goyes and South (2021) contend, most criminological research about Indigenous people is written by non-Indigenous authors and this is problematic. Indeed, it reveals distinct power dynamics when the authors who dominate a particular discourse are identified (Delgado, 1984, 1992). Who speaks or more precisely “who has the power to define the problem in a particular way, [and] who is silenced by a particular presentation” (Cunneen, 2006, p. 329) affects how a particular discourse is narrated and framed. Cognisant of this aspect of discursive power, several studies have identified the most cited scholars in criminology textbooks and journals (see, e.g., Cohn & Farrington, 2008; Cohn, Farrington & Iratzoqui, 2017; Roche et al., 2018; Wright, 1995). None of these studies lists an Indigenous scholar among the most cited; and very few are women. Paralleling what Delgado (1984) observed in the civil rights literature, criminology is also dominated by “an inner circle of about a dozen white, male writers who comment on, take polite issue with, extol, criticize, and expand on each other's ideas” (p. 563). That means that the overall narrative on Indigenous people in the criminal legal system that emerges from elite mainstream criminology journals is currently neither defined nor framed by Indigenous scholars.

Although the number of Indigenous academics remains small compared to both the number of issues affecting Indigenous peoples and the number of Indigenous peoples in the general population (Asmar et al., 2009; McAllister et al., 2019; Smith, 1999), academics, journal editors and reviewers all have the power to contribute to increasing the publication and citation of Indigenous scholarship (Carr et al., 2021).

Assimilation narratives

Criminological studies that solely focus on Indigenous people are bound to acknowledge Indigenous peoples as such. Assimilation narratives are more likely to occur in comparative research. The US incarceration rate for Indigenous peoples is four times that of European Americans, 1.5 times that of Hispanic Americans, and only outranked by the incarceration rate of African Americans (Deckert, 2014). Hence, any comparison that includes African and/or Hispanic and/or European Americans, should reasonably also include Indigenous people. Therefore, I generated, from the two data sets (2001–2010 and 2011–2020), a subset of US-based comparative articles and examined them (a) for their inclusion of Indigenous people and (b) for the social categories they assigned Indigenous people to.

Although the construction of social categories has been criticized for being ‘groupist’ and reinforcing othering (Brubaker, 2003), most Indigenous scholars consider indigeneity an important category because of its material and symbolic implications. The category of “indigeneity has great potential to at least partially rectify some of the past and present injustices committed” by the colonizer (Baird, 2016, p. 522). Therefore, a distinction between ethnic groups and Indigenous peoples becomes important in the pursuit of decolonization. Indigenous peoples are not ethnic minorities. Describing Indigenous peoples as ‘ethnic’ is considered a neo-colonial practice because it “undermines the legitimate claims of Indigenous peoples to local autonomy” (Bodley, 1990, p. 58)⁴ and “undermines our legal and political uniqueness, our histories, our relationship to the land, and our goals” (Stevenson, 1998, p. 40).

In the first data set (2001–2010), I found 227 comparative studies. Of these, 99 compared African and European Americans; 99 compared African, European and Hispanic Americans; 15 compared African and Hispanic Americans; and the remaining 14 included an array of comparative groups. Of these 227 studies, 45 included Indigenous people in their data collection. However, 16 of these 45 explicitly excluded the collected data from their analysis, most giving insufficient data quantity as a reason. In the second data set (2011–2020), I found 281 comparative studies. Of these, 164 compared African, European and Hispanic Americans; 106 compared African and European Americans; 10 studies included an array of comparative groups, and one study compared African and Hispanic Americans. Of these 281 studies, 56 included Indigenous people in their data collection. However, 21 of these 56 explicitly excluded the gathered data from their analysis, most giving insufficient data quantity as a reason. Table 44.3, which includes

Table 44.3 Percentage of assimilation narratives in comparative US-based studies published in elite mainstream criminology journals over two decades

<i>Indigenous people categorized as</i>	<i>2001–2010 (%)</i>	<i>2011–2020 (%)</i>
Indigenous	57.8	44.6
Ethnic minority	15.6	3.6
White	22.2	3.6
Other	4.4	35.7
Non-White	—	12.5

both studies that explicitly excluded and those that included Indigenous people in their data analysis, illustrates how pervasive the use of assimilation narratives is in these studies.

Studies that ignore Indigenous people in a comparison of African and/or Hispanic and/or European Americans miss a key variable in a row of social groups that are unequally affected by the criminal legal system. Scholars who exclude Indigenous populations from their dataset authorize silence about the processes of colonization that have immiserated Indigenous peoples through forcibly imposed and maintained structural conditions of poverty and violence (see, e.g., Bear, 2016; Cunneen & Tauri, 2016; Deloria, 2004; Harjo, 2019; Moreton-Robinson, 2005), and “American Indian scholars are typically not rewarded for exposing America’s mistreatment toward American Indians” (Bennett, 2022, p. 4). Being silent about Indigenous people permits scholars to “exclude colonialism as an explanatory factor [and] [...] effectively removes the possibility of understanding the contemporary position of Indigenous peoples” (Cunneen & Tauri, 2016, p. 11).

While indigeneity is a category that is generally acknowledged when researchers solely focus on Indigenous peoples, the mass incarceration of African and Hispanic Americans seems to have created a visible Black and Hispanic ‘other’ (in opposition to a ‘white self’) but has rendered the Indigenous ‘other’ comparably invisible in elite mainstream criminology journals. This is reflective of the overall invisibility of Indigenous peoples (Norris, 2017; Robertson, 2015), although Indigenous peoples are among the most incarcerated people in the world.

Within academic discourses, expressions of marginalization have grown more complex over time because they “occur in situations where tolerance of diversity is a socially recognised norm” (Riggins, 1997, p. 7). However, assimilation discourses constitute racialized micro-aggressions that enhance pre-existing social marginalization (Matias, 2013). Although Indigenous identity constitutes an inviolable part of self-determination (Matias, 2013; Smith, 1999; UN Declaration on the Rights of Indigenous Peoples), elite mainstream criminology journals continue to normalize assimilation narratives that alienate Indigenous people and discourage Indigenous scholars and research participants from contributing to mainstream criminology (Carr et al., 2021; Tauri, 2017). Hence, assimilation narratives not only fail to acknowledge Indigenous rights to self-determination, but they also contribute to the active erasure and silencing of Indigenous voices in criminology journals.

Conclusion

The findings from two decades of research suggest that, in the discourse of elite mainstream criminology journals, (a) there persists a relative silence on the mass incarceration of Indigenous peoples, (b) silencing research methods continue to prevail when studying Indigenous people in the criminal legal context, and (c) assimilation discourses continue to be normalized. Cumulatively, these neo-colonial scholarly practices and narratives contribute to the marginalization of Indigenous peoples and thus reproduce social inequalities.

It is the sum of individual scholarly narratives that generates ‘academic discourse’. Once particular discursive patterns are identified, scholars are empowered to assess how their work may contribute to these patterns. My research seeks to contribute to the decolonization of academia by way of encouraging scholars to undertake more criminological research *with* Indigenous communities and to be mindful of scholarly practices and narratives that may undermine Indigenous self-determination.

Notes

- 1 For a brief history of the Foreshore and Seabed Act 2004 and the related controversy, please see <https://teara.govt.nz/en/law-of-the-foreshore-and-seabed>.
- 2 Brown and Daly (2008) describe the quality categories as follows:

A+ (top 5%): Contains the highest quality papers from the world's leading researchers; the editorial board is also composed of world leaders; rejection rates are normally very high; very robust peer review process (double blind?); junior academics would shout a round of drinks the first time they got a paper accepted in one of these journals.

A (next 15%): Also publishes very high-quality papers with a significant proportion coming from the world's leading researchers; could be the leading journal in a sub-discipline; the editorial board contains many leading researchers; senior academics would routinely publish in these journals, and junior academics would strive to get their best work accepted here; normally high rejection rate.

B (next 25%): Most articles are methodologically sound, and there is a robust peer review process; PhD students would usually aim for these journals and PostDocs would expect to publish in them; solid editorial board with perhaps a modest representation of top researchers.

(p. 3)

- 3 In addressing these methods, it is correct to speak of research subjects because these research tools actively deny researched community members participant status.
- 4 The right to self-determination as protected by Article 3 and 4 of the UN Declaration on the Rights of Indigenous Peoples.

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