

The impact of criminalisation on Aboriginal men's selfhood

Shea Spierings

Email: shea.spierings@uq.net.au

The process of criminalisation effectively denies the formal citizenship rights which Indigenous peoples are said to enjoy. The nation-state attempts to formally incorporate Indigenous peoples as citizens of the nation while at the same time presenting the claims of Indigenous peoples as a threat to the political and moral unity of the nation. (Bird, Martin, & Nielsen 1996: 37)

The criminalization of Indigenous peoples has been a means of control and containment since British colonization of Australia. Punishment of Indigenous peoples in the early colonial period involved violent displays that climaxed in public executions. Although the violence of the early years continues to haunt Indigenous people and criminal justice processes, overall the late nineteenth century saw a transformation of overt violence into 'epistemic violence' through the production of colonial knowledge's and laws. (Anthony 2013: 30)

Socio-political parameters of Indigeneity defined through criminalisation

Beyond statistics of criminalisation

- Aboriginal and Torres Strait Islander comprise 28% of the national prisoner population
 - Prisoner populations range from 9% in Victoria to as much as 84% in the Northern Territory (ABS 2018).
- 3% of the national population of Australia
- 90% of inmates are male

Colonial values and structures

- Mainstream legal frameworks
- Discriminatory laws (See Australian Law Reform Commission *Pathways to Justice*)
- Systemic racism
- Criminal justice systems institutions are for maintaining and ensuring the protection of **SUBJECTIVE** values beliefs
- Socialised mainstream Australian imaginings

Stop in the name of whose law?

- Colonisation as a criminogenic factor – not Indigeneity
- Theoretical orthodoxy and the persistence of criminalisation
- Northern Territory Intervention intensified the moral gaze of liberal Australia – arrests and convictions rose considerably
- “Aboriginal Australia has been the object of not just ‘neo-liberal’ principles of punishment but traditional mechanism(s) of colonial order maintenance.” – Blagg (2013)
- “None of the problematic behaviours of white people, from genocide through the exploitation of labour to the extra-legal assaults on reserves and the oppressive permit system, were constructed as crimes.” – Bird (1987)
- “The imposition of the criminal law of the coloniser went hand in hand with the denial of the legitimacy of Indigenous law. The colonial state continues to choose whether and which Indigenous laws can be recognised.” – Cunneen & Tauri (2016)

Research aims

- Understanding how, we as Aboriginal men, understand ourselves
- What impact criminalisation has on our self-understandings
- How to understand ourselves as multi-faceted subjects
- Methods:
 - Partnerships
 - Interviews
 - Kin interviews
 - Community feedback/presentations

It's not what you are, it's who you are.

Concluding remarks/Questions