



This is a repository copy of *Southern criminology in the post-colony: more than a “derivative discourse”?*.

White Rose Research Online URL for this paper:  
<http://eprints.whiterose.ac.uk/114139/>

Version: Accepted Version

---

**Book Section:**

Brown, M.M. [orcid.org/0000-0003-4098-2929](https://orcid.org/0000-0003-4098-2929) (2018) *Southern criminology in the post-colony: more than a “derivative discourse”?* In: Carrington, K., Hogg, R., Scott, J. and Sozzo, M., (eds.) *The Palgrave Handbook of Criminology in the Global South*. Palgrave Macmillan UK , pp. 83-104. ISBN 978-3-319-65020-3

[https://doi.org/10.1007/978-3-319-65021-0\\_5](https://doi.org/10.1007/978-3-319-65021-0_5)

---

**Reuse**

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

**Takedown**

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing [eprints@whiterose.ac.uk](mailto:eprints@whiterose.ac.uk) including the URL of the record and the reason for the withdrawal request.



[eprints@whiterose.ac.uk](mailto:eprints@whiterose.ac.uk)  
<https://eprints.whiterose.ac.uk/>

## **Southern criminology in the postcolony: More than a ‘derivative discourse’?**

Mark Brown

University of Sheffield

### **Bio**

Mark Brown teaches criminology and criminal law in the School of Law, University of Sheffield, UK, and is an Honorary Senior Fellow in the School of Social and Political Sciences, University of Melbourne, Australia. His work spans a range of topics in punishment and penal theory, criminal justice and law, with a particular emphasis of historical and comparative studies. His most recent book is *Penal Power and Colonial Rule* (Routledge, 2014) and he is currently writing another on global criminology.

### **Abstract**

The idea of Southern criminology poses a challenge not just to its mainstream parent, which is now asked to contemplate life, crime and social order outside the metropolitan North. Southern criminology also asks those who would work under its name to find new ways of thinking about phenomena so that the South is understood on its own terms. This chapter contemplates such challenges. It draws upon a body of postcolonial thought largely unknown within criminology to help think through Southern criminology’s options for escaping the cultural and epistemological confines of mainstream, Enlightenment thought. It illustrates different ways of building out from these forms of thought, which can never totally be escaped, in order to represent and give voice to other experiences of life and other ways of being human.

### **Introduction**

The idea of Southern criminology invites us to look with fresh eyes upon the distinctly metropolitan character of its parent discipline. It asks us to consider the nature, dynamics and impacts of crime in a more global fashion and to think more expansively about how concepts or explanatory theories might be generated from centres of knowledge beyond the metropole. This chapter engages with the idea of Southern criminology by examining one of its key presumptions. This concerns what might be termed the ‘conditions of possibility’ for an alternative vision of crime and society coded to the histories, cultures and societies of the global South. If such a thing could be unlocked it would help build a new criminology ‘more inclusive of patterns of crime, justice and security outside the boundaries of the global North’ (Carrington, Hogg and Sozzo 2016: 15). Since the vast majority of states and societies making up the putative global South are also postcolonial states, this chapter will engage squarely with postcolonial theorising on the problems of knowledge in the periphery. It will proceed in two stages.

Focusing upon South Asia, a region that takes in the modern-day states of Bangladesh, India and Pakistan (population roughly 1.7 billion), the chapter will first examine if not the presumption, then at least the hypothesis, seemingly embedded in the foregoing prescription. This is the notion that metropolitans and Southerners might each have something like a ‘natural’ epistemological referent: for metropolitans, Western thought; for colonial subjects

and postcolonial citizens, some form of indigenous thought that might offer an alternative discourse. Clearly this is an overly stark contrast, but the first section of the chapter will begin to examine it with reference to colonial contexts, theories of crime and criminologies that emerged on the sub-continent over the roughly 150 years from 1765 to 1947, when Britain quit India. What this reveals is rather unexpected, for it inverts the above presumptive structure. What it shows is that colonial administrators, British and Indian alike, tended to frame their thinking about Indian crime to reflect the unique historical, cultural, religious, social, economic and environmental conditions from within which it emerged there. Colonial models of 'native' crime were highly localized and nuanced, albeit doubtlessly to some degree Orientalized in the Saidian sense (Said 1978; see also Inden 1990), but policed for their truth value by the utilitarian question of efficacy: administratively, did it work? It was in fact well-read and worldly Indian legal scholars who in the 1920s introduced metropolitan theories of crime to the sub-continent. In doing so they sought to advance understandings of crime in South Asia while at the same time offering a narrative of difference, pointing to the uniqueness of Indian life, conditions and culture. What this first part of the chapter will show, then, is that there is no easy line to be drawn between Northern and Southern thought, either in character or from whom or in what place it might be expected to emerge.

Indian legal scholars' adoption of Western ways of thought was not unique. These practices and their ideas about valid kinds of knowledge shaped much of the thinking among colonized native elites. One group in particular, collectively described now as anti-colonial nationalists, have been much discussed in postcolonial work on the nature of knowing and being in the colonial/postcolonial condition. The complex and conflicted relationship between anti-colonial struggles and postcolonial searching for identity lead Partha Chatterjee (1986) famously to refer to Indian nationalist thought as a 'derivative discourse'. For the Subaltern Studies Collective, of which Chatterjee was a key member, the task of unearthing some kind of genuine, almost primordial center of indigenous thought and knowledge, untainted by the colonial experience, was a central concern. How, after all, can one be genuinely Indian, or for that matter Southern, if every way of your own thinking is nothing but a reflection of Western modes of thought, of Western responses to the invocation 'know thy self'? The second part of the chapter will engage with this literature and its debates that precede by many decades the aims of Southern criminology to examine the possibilities of knowing and representing life and experience in the postcolony.

Yet why should examining these epistemological conundrums be so important? The reason is as simple as its implications are manifold. It goes to the heart of what Southern criminology is, or could potentially be. Set as a question, we might ask: is Southern criminology anything new or different, or is it fundamentally but one more variant of criminology's oldest game, comparative or transnational observation? If it is the latter – if all it does is drive criminologists' attention toward the crimes and concerns of the periphery – then it will be doubtlessly worthy, but ultimately unremarkable in terms of reshaping what criminology is. If, on the other hand, Southern criminology really is something different, then it will, indeed it must, fundamentally change the whole discipline itself, including the structure of criminology's Enlightenment-derived thinking. Thus, if Southern criminology is to be more

than just another inflection of transnational criminology it must do more than simply add observations from the South to test or revise existing theory. It must discover in the South resources for thinking about crime and justice that are as yet unimagined within the discipline of criminology.

That is doubtless a big task. It is not one, moreover, that will be achieved simply by doing: by turning our lens upon novel forms of crime that mark the periphery and cast a shadow upon the metropole or by evaluating the adequacy of metropolitan theory as it travels to the margins. What this chapter proposes is that scholars of Southern criminology must first contemplate how the South can be known on its own terms: how can it, as Raewyn Connell (2007) asked, be a source of theory, not merely a source of data? Answering this will require some focused thought. Postcolonial scholars have spent more than 40 years doing just that, thinking through possibilities for knowledge, ways of being and knowing that do not rely or constantly fall back upon Western cognitive structures. These structures are powerful modes of analysis, barely apprehensible to most of us, but they have in a very meaningful sense ruled the world since the Enlightenment.

Those not familiar with such matters might here be asking ‘what kind of structures?’ or ‘such as what?’. One example of a structure that has for centuries been used to evaluate the truth, adequacy or utility of Western and non-Western knowledge alike is the notion of reason. Reason has for hundreds of years policed the boundary of valid and futile thought, acceptable or illogical beliefs, civilized or debased behavior. It has represented non-Western experience in terms as various yet familiar as ‘idolatry’, ‘superstition’, ‘barbarism’, the ‘excitable’ or ‘inscrutable’ native and so on. Ever since John Locke (1690) introduced reason as a condition of political consent in his *Second Treatise on Government* – thus excluding ‘idiots’, mad men and children – and JS Mill (1861) extended this logic grouping children and ‘barbarians’ as suitable subjects of despotic governance, reason has exercised a grip over inhabitants of the global South (see Mehta 1999). The second part of this chapter will trace the way postcolonial writers and critics of anti-colonial nationalism have wrestled with such predicaments. It will examine their efforts to reconcile the need to speak of ‘nation’ and ‘people’, just as we as criminologists desire to discuss ‘crime’ and ‘justice’, without settling back into the same forms of logic and meaning from which our anti-metropolitan struggles seek to give us escape. To begin though, let us turn to the case of South Asia and the emergence of modern thought on crime and criminals since roughly the mid eighteenth century.

### **A brief history of criminology on the sub-continent**

Can one usefully speak of a colonial criminology of the sub-continent? The answer is that while we might identify the contours of one from the position of hindsight it is unlikely that many actors of the time would have understood such a thing to exist. I have attempted elsewhere and with the resources of far more space than is available here to propose a first, schematic genealogy of a pre-independence criminology (Brown 2017). It is not my aim here to rehearse these arguments about the birth of criminology in India, though I will of course refer to some main conclusions. Rather, what I hope to do is give the non-specialist reader a

broad introduction to thinking about crime and criminals on the sub-continent and a sense of the importance of colonialism and the immanent postcolonial condition to the formation of knowledge about those areas of the world we now group under the rather baggy term global South.

### *A 'colonial' criminology?*

On the Indian sub-continent, the 'onset' of colonialism is generally dated at 1765, the year when the British East India Company, trading under a Royal Charter of monopoly commerce in the East Indies, established its first political bridgehead in Bengal. Even this apparently early date, however, foreshortens the depth and extent of colonial contact in India. The East India Company's charter had been granted in 1600 and it had traded extensively around India since that time. Across such distances of time it is nigh impossible to retrieve anything like an original or 'authentic' Indian vision of crime and criminality, something that might stand in contrast to colonial conceptions of the same. Moreover, the sub-continent itself is physically immense and culturally and ethnically diverse in equal measure. Instead of such simple contrasts as between indigenous and metropolitan knowledge what we find over this sweep of time are rather a set of accretions. Ideas were piled atop of each other, some of local origin, others of foreign source. Forms of crime apparently distinctive to India, like the phenomenon or Thuggee (Wagner 2009) or the supposed existence of whole tribes of hereditary criminals (Brown 2014), prompted novel responses or legal innovations. New ideas fed off, and themselves further developed, new sciences of the human type, such as ethnology, while the enterprise that we may term now a kind of nascent criminology was for the most part always tightly bound to the demands of colonial administration and its complex and changing priorities.

Despite today's images of colonialism as all-encompassing, British power on the sub-continent is better understood as an ever-shifting balance of expensive incursions into 'native' culture and society counterpoised with a certain and much cheaper strategic letting alone. The spirit of early views on this is well covered by the first Governor General of India Warren Hastings commenting on a legal compendium he had recently commissioned. Eventually published as Halhed's (1776) *Compilation of Gentoo Laws, or Ordinations of the Pundits*, the text was an attempt to digest into the form of a code extant Hindu jurisprudence derived from textual sources and interpreted by Brahmanic scholars. The task was important, Hastings wrote, because it concerned 'the rights of a great nation in the most essential point of civil liberty, the preservation of its own laws' (reproduced in Gleig 1841: 404). The compilation, he suggested, would be evidence of 'the way to rule this people with ease and moderation according to their own ideas, manners and prejudices' (Hastings in Gleig 1841: 404).

Although attitudes toward 'native' disorder certainly hardened across the long nineteenth century, it is equally true that for the most part colonial administrators took little interest in 'native' crime and criminals unless they presented a threat to British authority, sparked its imagination or transgressed norms of the imagined new civil society. Almost 100 years later

in October 1870 the jurist and legal member of the Viceroy's Council, James Fitzjames Stephen, gave voice to this ambivalence in the Council chamber:

The Hon'ble Mr Stephen moved for leave to introduce a Bill to provide for registration of criminal tribes and eunuchs. He was glad to be able to say that as far as his experience had gone, he did not think that the Natives of India were by any means a peculiarly criminal people. He thought that Bombay and Calcutta might in this respect compare by no means disadvantageously with Liverpool and Birmingham, and he was informed that many parts of the Mofussil produced far less crime in proportion to their population than parts of England. (National Archives of India 1871)

But as the purposes of the Bill would indicate, colonial government identified phenomena like India's supposed criminal tribes as a matter of a whole different order. The legislation, eventually passed in 1871, created a large, punitive and illiberal architecture of control for both nomadic and sedentary communities that appeared to live by crime alone. Perhaps more importantly for criminology, the criminal tribes policy initiated probably the most thoroughgoing investigation and theorization of 'native' criminal ways and propensities of the colonial era. Further, the social and cultural imprints of the criminal tribes concept outlasted this era, with such groups designated under the new postcolonial Indian Constitution as 'denotified tribes' who soon became captured within an armature of social hygiene measures within the postcolony (Brown 2016; Schwartz 2010).

#### *Varieties of colonial criminology*

To the extent that we can discern things from the vantage point of hindsight, colonial criminology took two distinct forms. First, although arriving fairly late in the piece, it was the scale of the criminal tribes policy and the complexity of its operation that first drew disparate practical and conceptual developments together into something like a body of knowledge. The policy required the identification and classification of tribes as criminal, a whole complex of systems for reading and decoding the traces and patterns of criminal conduct such tribes left behind and an extra-penal framework of apprehension, punishment and reform for these groups who by 1947 numbered some three to four million souls. It achieved all of this through on the one hand the recruitment of supposedly archaic, indigenous systems, such as village level policing, and on the other the reframing of modern methods, such as extra-penal legal innovations developed to combat Thugs during the 1830s, or even earlier anti-dacoit measures of the 1770s that had first explored methods of policing and punishing whole communities. All of these were grafted onto and inflected through a social ethnology of Indian crime that was then manualized and promulgated in the form of handbooks and guides (for example, Kaul and Tomkins 1914; Kennedy 1908). By the second decade of the twentieth century, these had formed into a social ethnology of Indian crime that eschewed biological racism and focused instead on the unique characteristics of what were perceived as distinct criminal communities within Indian society.

Brought together, all of this formed a body of thought and practice that would later morph into Indian social work approaches with criminals (for example, Harshe 1941). Mostly this

effort was driven through an increasing governmental concern with the status and fate of what in India were termed ‘backward classes’, including indigenous hill tribes and the country’s ‘untouchable’ castes, as well as its criminal tribes. The weight of this relief work was partly shared with charitable societies, of which the Salvation Army was a prominent actor, building not only reformatory institutions but also reformatory theories, such as reflected in Frederick Booth-Tucker’s (1916) *Criminocurology: The Indian Crim and What to Do with Him*. Overall, however, what marked this, the primary strain of colonial criminology, was its deep embeddedness in local context, culture and indigenous codes of conduct and practice. It was distinctly Indian in character and in no way merely a tropicalized version of then-contemporary metropolitan thought. This is not to say that Indian criminology in this practical form was entirely isolated from global thought and developments. Finger printing, after all, was developed in India, extending and perfecting principles of criminal anthropometry, such as the French ‘Bertillion method’ (Sengoopta 2003). But at a theoretical level, while metropolitan ideas did from time to time find reflection in the work of Indian proto-criminologists, whether it be Henry Spry’s (1833) work with Edinburgh phrenologists or the impact of a tour of English, French and Irish penal facilities upon Punjab Inspector General of Police Hutchinson’s (1866) *Reformatory Measures Connected with the Treatment of Criminals in India*, they were for the most part short lived.

Against this vision of criminology as a practice-focused body of knowledge about Indian crime and criminals, we find a second much smaller but nonetheless distinctive strain that emerged around about 1920. This brought the big names and big ideas of metropolitan thought squarely into contact with the Indian climate for the first time. As Subrahmanian Pillai’s (1924) 700-page tome *Principles of Criminology* might suggest, these works were of a different order to the administratively focused crime control texts just described. Pillai was the Tagore Professor of Law at Madras Law College and his opposite number in Calcutta, Sitram Banerjee, had published a similar volume just a few years earlier. These were lawyerly and cerebral treatises drawing ideas from across place and time. As one reviewer of Pillai’s work in the pages of the *British Journal of Comparative Legislation and International Law* remarked, the work ‘show[ed] very strongly the effect of European ideas and views upon the mind of a thoughtful and learned Indian lawyer’ (GGA 1925: 268).

Yet as quickly as metropolitan sophistication entered these texts India itself receded into the background. Banerjee’s (1919: 68) enthusiastic claim that ‘nowhere else in the world do we find this curious admixture of heterogeneous races – with different languages, different religions, and at different stages of culture’ did little more than echo those of Bengal ethnologists more than half a century earlier (eg., Asiatic Society of Bengal 1867). His clunky stereotypes of native difference reflected a scholarly distance from the real India, should there have been such a thing, which settled once and for all the irrelevance of his work for practical crime control purposes. What these texts did do though, was presage an effort to make criminology theoretical and at the same time to make it connect with non-metropolitan knowledge systems. A fuller account came first in 1932 from another lawyer, in Prosanto Kumar Sen’s *From Punishment to Prevention*, and then more substantially a decade later in his *Penology Old and New* (Sen 1943). The problem was, however, that in order to

‘indigenise’ theoretical discussions of crime and punishment writers like Sen were forced back into the world of ancient (primarily Hindu) texts which admittedly held little relevance for day to day thinking about crime and punishment. Thus, for example, on the question of individual responsibility Sen could note the problem in Hindu thought of the ‘all-pervading law of Karma’. ‘Buddhism’, he observed, had ‘sought to break down caste. But its view-point in regard to Karma remained essentially Brahminical and militated against laying down a standard of responsibility for human action based upon the conception of absolute free will’. The effect was that in classical Hindu thought ‘[n]ot absolute but only relative freedom was attributed to human action’ (Sen 1943: 89).

This recourse to a distant, ancient and in that sense pure form of Indian knowledge untainted by Western categories yet nevertheless able to be discussed alongside Western thought was a feature of these times. It reflects a certain kind of thinking and a cross-pollination of anti-colonial impulses into various intellectual endeavors of the era. It shares much in common, for example, with PC Ray’s *History of Hindu Chemistry* which, in two volumes (1903, 1909), sought to reconstruct an indigenous materials science running from the pre-Buddhist era through to the mid sixteenth century. It was a task, moreover, as Ray wrote in the preface to his second volume, undertaken to recognize ‘[t]he Hindu nation with its glorious past and vast latent potentialities’ and to drive Indians toward ‘regaining their old position in the intellectual hierarchy of nations’ (1909: D). The country’s failure to keep pace with metropolitan thought was a problem that vexed Indian intellectuals of the time. In the first volume of this study PC Ray had diagnosed the problem to lie in caste, though not the supposed colonial ‘construction’ of revisionist postcolonial critiques (for example, Dirks 1998). Rather, for Ray it was the ancient system of caste made rigid around the second to third century Before the Common Era, and reflected in the scriptures of Manu, that had prematurely stunted Indian capacity for progress. It had, he said, rendered ‘her soil ... morally unfit for the birth of a Boyle, a Des Cartes [sic] or a Newton and her very name was all but expunged from the map of the scientific world’ (1903: 195-96).

If such observations were made with sadness by a chemist, the problem of India’s subordination to Britain and to metropolitan thought and power was both more acute and more important for nationalists. It was in this field of anti-colonial struggle that we see most clearly an effort to find a means of escape from the seemingly overbearing, always-everywhere presence of the Western episteme. Broadly speaking, however, as the colonial era came to a close the intellectual resources and body of knowledge on crime and criminals in India was clearly split in two. The main body and that which would come to dominate criminology after independence was the ethnological/social work discourse of reform. Efforts to theorize criminology largely fell by the wayside and the legacy of Western influence came to be an empiricist and strongly US-influenced vision of criminology as science. Recent collections on the state of Indian or South Asian criminology (for example, Shahidullah 2017; Unnithan 2013) reflect this, treading the well-traveled tracks of their Northern counterpart. With the emergence of the Subaltern Studies Collective in the 1980s, however, attention was drawn back to this moment, when ideas of freedom and nation caused Indian thinkers in disciplines as various as criminology and chemistry to look back into India’s pasts



as a way of imagining its futures. Nationalist thought was of course at the vanguard of this movement, though here is not the place to retrace the history of these efforts (see, for example, Chatterjee 1986, 1993). Rather, what we shall turn to next is an examination of how postcolonial analyses of nationalism thought through the problem of imagining futures liberated from metropolitan domination. How this has been resolved is important, for it is the very same problem that Southern Criminology seeks now to confront: how to imagine the South other than as an object of inquiry viewed through the lenses of Northern thought and method.

### **Being and knowing in the postcolony: Toward a Southern criminology**

What is India? To many readers in the second decade of the twenty-first century that question may seem odd, possibly even facetious. But for nineteenth century Indian intellectuals it bore the weight of an existential lodestone. JR Seeley, Regius Professor of Modern History at Cambridge University, had answered it succinctly in a series of lectures given in 1881-82, later published to huge acclaim as *The Expansion of England* (1883), that undercut Indian aspirations to self and nation in fundamental ways. He proposed for a start that England had in fact never conquered India. It could not have, because 'India' existed only as a product of the English mind and labor: prior to British rule India did not exist 'in the political, and scarcely in any other, sense' (Seeley 1883: 234), and so prior to Britain 'there *was* no India' (Seeley 1883: 235, original emphasis). Moreover, if India had in fact been defeated, it was palpably not the English who had done the job: 'India had been conquered by an army of which four-fifths were natives' (Seeley 1883: 235). Thus any English claim to 'natural superiority ... falls to the ground' (Seeley 1883: 233) and indeed the conquest 'can be explained without supposing the natives of India to be below other races ... [or] the English superior' (Seeley 1883: 238). This thing the English had called India, Seeley claimed, had conquered itself and that act of existential self-destruction reflected its 'political deadness' (Seeley 1883: 235), making aspirations to self-rule and nationhood little more than a fantasy. India lacked 'the fundamental postulate', he argued, 'upon which the whole political ethics of the West depend. The homogeneous community does not exist there, out of which the State properly so called arises' (Seeley 1883: 237). In the face of such propositions, what could it mean to strive to be Indian, to know one's Indian self, other than to self-actualize a subordinate status already defined for you by your conqueror?

### *Global South, Southern criminology and the lessons of nationalism*

These problems of being and knowing were passed down to societies of the global South as legacies of colonial pasts. Thus, while the term 'third world', by which most (though not all) of these societies were previously known, references an Enlightenment teleology of progress, at once hiding colonialism while situating these societies in a game of catch up with their former colonial rulers, the new terminology lays such relationships bare. Nour Dados and Raewyn Connell (2012: 13) propose that:

The term Global South functions as more than a metaphor for underdevelopment. It references an entire history of colonialism, neo-imperialism, and differential economic

and social change through which large inequalities in living standards, life expectancy, and access to resources are maintained.

Yet it is by no means clear what societies of the global South are to do to escape this ‘entire history’, nor how Southern criminology might play a role in that. As the complexity of answering the apparently simple question ‘what is India?’ would intimate, and as Raewyn Connell’s (2007) *Southern Theory* further attests, finding a voice for the South that does more than fill in the spaces of a pre-authorized metropolitan narrative will necessarily require turning some of our received thinking about what criminology is on its head. This second section of the chapter attempts just that and moves forward in three stages. It begins by setting out the terms of the problem as postcolonial scholars have understood them, focusing mainly on Indian nationalists’ efforts to retrieve the ideas of nation and people from the grip of colonial authority, just as today we seek to think of crime and justice on new terms. It then examines two possible sources of insight and resource as Southern criminology faces its own existential question: what makes you Southern?

The impetus to author a narrative of Southern difference has been at the heart of both anti-colonial and postcolonial analyses of the Indian condition. Jawaharlal Nehru, India’s first prime minister, for example, penned *The Discovery of India* (1946) while a political prisoner in a British jail. It’s imaging of a pure and progressive Indian past extends as continuous theme into contemporary diagnoses of the postcolonial condition such as Sunil Khilani’s (1997) *The Idea of India*. Yet how does any of this connect with the task of establishing Southern criminology’s alternative vision? The answer will be clearer if we listen to Partha Chatterjee’s (1986: 42) account of the problems facing such nationalisms, perhaps imagining ‘Southern criminology’ where he speaks of ‘nationalist thinking’:

Nationalist thinking is necessarily a struggle with an entire body of systematic knowledge, a struggle that is political at the same time it is intellectual. Its politics impels it to open up that framework of knowledge which presumes to dominate it, to displace that framework, to subvert its authority, to challenge its morality.

Yet in its very constitution as a discourse of power, nationalist thought cannot remain only a negation; it is also a *positive* discourse which seeks to replace the structure of colonial power with a new order, that of national power. Can nationalist thought produce a discourse of order while daring to negate the very foundations of a system of knowledge that has conquered the world? How far can it succeed in maintaining its difference from a discourse that seeks to dominate it? (original emphasis)

The similarities to Southern criminology’s task should be transparent. Returning to Chatterjee, we find him reaching a rather baleful conclusion: ‘A different discourse, yet one that is dominated by another: that is my hypothesis about nationalist thought’ (1986: 42). Indeed, if the question of how anti-colonial nationalist thought ultimately failed to make the leap to its own form of individuality is not clear, if its status as a derivative discourse has not been sufficiently marked out in the extract above, Chatterjee clarifies thus. There is, he says:

an inherent contradictoriness in nationalist thinking because it reasons within a framework of knowledge whose representational structure corresponds to the very structure of power nationalist thought seeks to repudiate. (Chatterjee's 1986: 38)

What the experience of anti-colonial nationalism suggests, therefore, is that if the global South sits now at the apex of Dadas and Connell's (2012: 13) 'entire history of colonialism, neo-imperialism, and differential economic and social change', its claims to a just future and to recognition of its experience of violence and transgression will not be answered by applying the tools that first brought them to this place. Such tools are the universalisms of Enlightenment thought that Raewyn Connell (2007: 226) diagnosed in *Southern Theory* as producing less a universal sociology of societies than 'an ethno-sociology of metropolitan society'. They are the tools that Chatterjee (1986) associates with the primacy of reason. In a coda titled 'The Cunning of Reason', he argues that as a technique and strategy of power, since 'at least the middle of the eighteenth century, for two hundred years, Reason has travelled the world piggyback' upon colonial and neo-imperial capitalism. The 'marriage between Reason and capital', he proposes, is the great unsolved problem of nationalisms (68) that have left their people exposed to global capital's assaults.

But how to think of nation or people or justice or violence without reason? As one astute critic observed, Chatterjee is liberal in his criticism of those who failed to overturn the hegemony of Western reason, but he 'overwhelmingly relies on the latter's analytical categories in [his] own analysis' (Ramaswamy 1994: 961). So, then, is the putative need to escape the grip of metropolitan thought as a condition for a genuinely Southern form of criminology at best an elaborate diversion, at worst an impossible and pointless demand? The answer to both is no. Postcolonial writers have in recent years taken important steps forward, working through in both theory and practice how an alternative discourse might take shape. It is to these we now turn.

#### *Knowledge politics: Theory and experience North and South*

A large measure of the behemoth power of Enlightenment thought lays its claim to produce universal knowledge. Yet as Partha Chatterjee's experience shows, while it is one thing to call out the power effects of Enlightenment rationalities such as reason, it is quite another effectively to escape them. A number of efforts have been made to critique the metropole and the scope of this literature cannot be captured here. Nor, unfortunately in the available space is it possible to do justice to the efforts of feminist scholars to inject a much lacking gender analysis (for example, Adami 2015; Visweswaran 1996). One style of postcolonial approach, however, developing in at least three stages, likely brings particular insights for Southern criminology. First, in *Provincializing Europe: Postcolonial Thought and Historical Difference*, Dipesh Chakrabarty (2000) demonstrated not just the fallacy of universalism's claims but instantiated a subject-position method by which the theorist or researcher could skirt many of the criticisms levelled at Chatterjee. Second, Ajay Skaria (2014) extended this critique of universalism via a critical response to Gopal Guru's existential question concerning India's Hindu underclass, formerly known as 'untouchables'. 'Can the Dalit

articulate a universal position?', asked Guru, addressing the capacity, and indeed even the desirability, of the periphery-particular appearing in the universal-general. Finally, returning once more to Dalit politics, Gopal Guru (2002) first in an essay and then in *The Cracked Mirror: An Indian Debate on Experience and Theory* (Guru and Sarukkai 2012) proposed an alternative ethics upon which to build theory and design and conduct research on the periphery. Since there is not space here to trace each of these in detail, I will focus on Dipesh Chakrabarty's illuminating contribution out of which the more recent work has developed.

For Southern Criminologists, Chakrabarty's principal contribution is not his observation that metropolitan knowledge is far from universal. 'Europe', as he noted, 'has already been provincialized by history itself' (2000: 1). Rather, what Charkrabarty does is answer the question of how one gets outside, so to speak, the Western episteme in order to critique it, a distancing that Chatterjee failed to achieve. Methodologically, Chakrabarty argues, the way in which metropolitan thought comes to be centered is via the device of historicism – 'the idea that to understand anything it has to be seen both as a unity and in its historical development' (2000: 6). Chakrabarty's task was to work out how simultaneously to de-center and de-peripherize knowledge – to open up unity and universals to plurality – without also denigrating the gains of Western thought and its categories as, for example, Edward Said (1978) had so notoriously done in his book *Orientalism: Western Conceptions of the Orient*. 'It should be clear' Chakrabarty therefore emphasized, that 'provincializing Europe is not a project of rejecting or discarding European thought':

European thought is at once both indispensable and inadequate in helping us to think through the experiences of political modernity in non-Western nations, and provincializing Europe becomes the task of exploring how this thought – which is now everybody's heritage and which affect us all – may be renewed from and for the margins.

Chakrabarty (2000: 16)

To achieve this, he attempts to straddle the two great traditions of social science, the analytic, which produces the universal abstract human of, for example, rights and the abstract researcher-subject, distanced from the object of her research, and the hermeneutic, which seeks understanding in the local, in place and in particular ways of being in the world. One tends to 'evacuate the local' in search of the universal, the other the opposite (Chakrabarty 2000: 18). By such straddling, or indeed by setting lived pluralities upon concepts until now understood by their unity, he allows the periphery to invade the center. In the consequent contrasts, what is revealed is the contingency of things until now thought of as concrete and certain. To do this required locating and exploring non-Western engagements with some of the core categories of Western thought, such as rights or citizenship or civil society, that shape our modern world. Thus:

The point is not to reject social science categories but to release into the space occupied by particular European histories sedimented in them other normative and theoretical thought enshrined in other existing life practices and archives. For it is only in this way

that we can create plural normative horizons specific to our existence and relevant to the examination of our lives and their possibilities. (Chakrabarty 2000: 20)

Drawing on a deep understanding and a subtle and nuanced analysis of aspects of the culture within which he was raised, Chakrabarty aims ultimately to ‘write some very particular ways of being in the world – I call them Bengali only in a provisional manner – into some of the universal, abstract, and European categories of capitalist/political modernity’ (Chakrabarty 2000: 255). In pursuing this he engages productively with that nemesis of Chatterjee that we have discussed previously here, the concept and practice of Western reason. ‘Where’, he asks, ‘would the polytheism that marks everyday life in the subcontinent find its place in such a frame of thought?’ (Chakrabarty 2000: 237). Ultimately, Chakrabarty’s specific conclusions are less important for us than the method he uses to develop his analysis. What this method points to is a way for Southern criminology to engage with the categories around which our modern world is structured without at the same time reifying existing forms of explanation and meaning. His work also holds lessons for the criminologist researcher, for Chakrabarty’s bridging of analytic and hermeneutic traditions suggests how social science’s ‘privileging of the analytical over the lived’ (Chakrabarty 2000: 242) may be resolved. As Southern criminology develops, Chakrabarty’s methodology might provide a means for thinking about categories in a fashion that not only is plural and non-additive, in the sense that data are not imagined to cumulate toward some at least theoretically possible universal construct, but that importantly is able to integrate experiences of being in the world, including religious or cosmological experience and practice, in a way that does not simply anthropologize them.

#### *Enlightenment humanism, abjection and alternative ways of being human*

If Dipesh Chakrabarty’s assault upon the dominance of Western reason achieves its power through being in both tone and practice the thoughtful, subtle and precise analysis of a postcolonial, diaspora man of ideas, I would like to finish this second part of the chapter by joining his work with two exemplars that take on the same problem but respond in a quite different register. Of the many pithy and telling phrases Chakrabarty coins, one most noticed has been the following. In describing the political tradition that runs from Locke through Mill and into colonial discourses – the notion that ‘barbarians’, like children, have the *potential* for self-government but are not yet quite ready – Chakrabarty describes ‘Indians, Africans and other “rude” nations’ as consigned ‘to an imaginary waiting room of history’ (Chakrabarty 2000: 8). All notions that circle around the idea of a ‘third world’ or global South as sites of ‘development’ reflect his historicist rendering of the present into the past. For the Algerian anti-colonial nationalist Franz Fanon, the violence done by such thought needed to be called out plainly for what it was. In *The Wretched of the Earth* (1967), in a chapter charting ‘The pitfalls of national consciousness’, Fanon contrasted base racism with the structure of Enlightenment political reason. ‘Western bourgeois racial prejudice as regards the nigger and the Arab’, he wrote, ‘is a racism of contempt; it is a racism which minimises what it hates’:

Bourgeois ideology, however, which is the proclamation of an essential equality between men, manages to appear logical in its own eyes *by inviting the sub-men to become human*, and to take as their prototype Western humanity as incarnated in the Western bourgeoisie. (Fanon 1967: 131, emphasis added)

Here, then, Western thought is given a quite different cast. If in the previous section the reader was wont to ask, as R Radhakrishnan (2003: 114) does in *Theory in an Uneven World*, '[w]hy should derivativeness be such a hot issue to start with?', Fanon's words intimate an answer. For Radhakrishnan the answer is that for 'the ex-colonial subject epistemological derivativeness would be particularly offensive and demeaning, since it was at the level of epistemology that colonization achieved its lasting psychic effect' (2003: 115; see also Nandy 1998). But it is in Fanon's identification of Western humanism that we find a much more specific target, and one that Southern criminology in particular, as a discourse of justice, will need to reckon with.

Fanon's work is representative of a strain of early postcolonial thinking rooted in the politics of African struggle. Moreover, unlike the later India-focused efforts of Chatterjee, Chakrabarty and other notable figures like Gayatri Spivak and Homi Bhaba who have all sought a rapprochement with Western thought, Fanon calls for an entirely new way of being human. In a final chapter, he asks all the wretched of the earth to 'shake off the heavy darkness in which we are plunged, and leave it behind' (1967: 251). Having personally witnessed the atrocities of French colonialism in Algeria, Fanon (1967: 251) spits out an impassioned demand for severance:

Let us waste no time in sterile litanies and nauseating mimicry. Leave this Europe where they are never done talking of Man, yet murder men everywhere they find them ... in all corners of the globe.

*The Wretched of the Earth* closes with Fanon's demand that his 'comrades' should 'turn over a new leaf, we must work out new concepts, and try to set afoot a new man' (1967: 255). The capitalisation (or not) of the word 'man' between these two extracts is of vital importance. Because for Fanon and postcolonial writers and activists following in his tradition, the whole idea of a universal rights-bearing human, particularly as embodied in the United Nations *Universal Declaration of Human Rights* (1948), is continuous with Enlightenment humanism. This is the idea of universal Man reflected in the French *Declaration of the Rights of Man and Citizen* of 1789, that as *mission civilisatrice*, the 'white man's burden' or an 'improving despotism' had justified metropolitan imperialism and that has since proliferated Western theological and political norms under the guise of universal 'human' rights. In the postcolonial world, Spivak once observed, this rights regime 'has turned out to be the breaking of the new nations, in the name of their breaking-in into the international community of nations' (2004: 525).

But how might the power of such a humanism be broached, one that even Spivak ultimately argues in favor of, suggesting 'it is still disingenuous to call human rights Eurocentric' (2004:

525)? In an extended study of the progress of postcolonial thought, *Orientalism, Terrorism, Indigenism*, Pavan Kumar Malreddy (2015) identifies the political gains made by the global indigenous peoples' movement as evidence of the possibility not just of thinking through, but indeed of securing in practice, Fanon's vaunted goal to find other ways of being human. The term indigenous peoples refers to those original inhabitants of settler-colonial states – the New Zealand Maori or Australian Aboriginal or Torres Strait Islander, for example – or indigenous tribal groups within states of extractive colonialism, such as the *adivasis* of India. In the case of tribal groups, these indigenes have been doubly colonized, as new postcolonial states demand their integration within state and nation. In the domain of rights, Malreddy draws attention to the 2007 UN *Declaration on the Rights of Indigenous Peoples*, which secures indigenous groups' collective and cultural rights – to culture itself, to cultural property, to recognition of attachments to land and ritual use of it, to physical resources, to forms of self-determination (in political spheres, in education, etc.) – that are additional to but do not interfere with the universal rights proclaimed and protected in the 1948 *Declaration*.

This recognition of collective and cultural rights marks a major schism with the Enlightenment model of rights that sees them inhere solely in the free individual and obligations to flow solely out of the contracts that such individuals make (hence the notion of 'the social contract'). It marks a break with an epistemology grounded in 'natural' law and that at least since Thomas Hobbes (1651) has recognized no form of society prior to such social compacts, other than one that was, in his famous words, 'solitary, poore, nasty, brutish, and short' (1651/1909: 99). The 2007 *Declaration* does not rely upon institutional structures of representation – of nation or government – and establishes a realm of collective autonomy, marked by forms of social organization and ways of being in the world that stand outside the capitalist world system. It creates a kind of parallel universe inside our world, hence its marked controversy. In Malreddy's estimation, it 'continues to challenge the notion of *homo europaeus* as a universal constant, ... re-author(iz)ing the "other" human that the indigene already is, without being overtly antithetical to Euro-humanism or the Universal Declaration' (2015: 121). Here, then, we find a model that shows not just in theory but in practice how it is possible to displace a core discourse of metropolitan power and to recognise Southern forms of life, self and community.

### **Conclusion**

As Southern criminology begins to stake claim to a position within the wider criminological field this chapter has identified, contemplated and offered solutions to two possible threats to its existence and hence visions of what it might become. The first threat is that it might in fact be little more than a dusting off of comparative or transnational criminology, with a shiny new nameplate for our era of globalization. The second is the threat that while seeking to transcend an elementary comparativeness, Southern criminology will fall back upon mainstream metropolitan epistemologies, thus reproducing, if at perhaps one step remove, the very forms of oppression and negation it seeks to escape.

The impetus for Southern criminology flows from Raewyn Connell's (2007) *Southern Theory* and this chapter has attempted to build upon her excavation of efforts among colonial and

postcolonial writers to think outside metropolitan confines, focusing here on South Asia. But it has also attempted to offer a description of just how criminology developed on the sub-continent in the years of British colonial contact and rule. In other words, what specifically were those confines? An understanding of the state of crime thinking, of a nascent criminology in South Asia at the moment when Britain quit India in 1947, is thus essential to understanding what postcolonial criminologists had to work with. I have not reviewed the products of those labors here, since post-independence South Asian criminology in fact treads fairly squarely and uncritically within metropolitan footsteps (see, for example, Shahidullah 2017; Unnithan 2013) and, as Connell found of the Indian women's movement, there is 'little theoretical work going on' (2007: 174). Why this is the case is unclear, though it may reflect status hierarchies within the Indian academy: what Gopal Guru (2002: 5009) referred to as 'cultural hierarchies that tend to divide social science practice into theoretical Brahmins and empirical Shudras' (lower castes).

Drawing on more than 50 years of postcolonial writing, what I have attempted to do instead is to set out at least the contours of a solution to the key epistemological threat facing Southern criminology: that it will simply replicate metropolitan approaches, making it little more than a branch office of the metropolitan master discipline. What this would demand of Southern criminology is a quite new epistemological and thus methodological approach, though without necessarily discarding all that has come before. It is a high bar and it seems likely that many criminologists who would wish to identify with the idea of Southern criminology would have neither the interest nor inclination to rework radically what criminology currently looks like. For many, a Southern criminology that draws upon the global South to fill in gaps, reframe and regenerate existing criminological theory using extant methods will be sufficient.

We also need to recognize that while we may talk of Southern criminology as if it had some essence, it can and will be different things to different people. This is no better illustrated than by David Ludden (2002: 4) in an historical overview of the Subaltern Studies project. Attempting to describe the project's reception, he begins by citing Peter Gran's argument that 'in India, Subaltern Studies is *read against* liberalism, Marxism, and "religious fascism", whereas in the US, its "principal novelty" is its ability to represent India by being *read into* ideologies of difference and otherness' (original emphasis). Taking further this analysis of how ideas will be inflected through locality and culture, Ludden continues:

In the US, readers are generally encouraged to think about cultures in essentialist terms, in the ethnographic present; to see colonialism and nationalism as cultural phenomena; to disdain Marxism; and to distance academic work from partisan politics, a separation that bolsters academic credibility. But in South Asia, cultural change preoccupies scholars and activists, colonialism includes capitalist imperialism (which is still at work in the world of globalisation), Marxism is alive, and most scholars embrace politics in one form or another as a professional responsibility of citizenship. Such contextual differences differentiate readings of subalternity. (2002: 4)



Southern criminology can be no less subject to such forces than was Subaltern Studies. But if there is one take-away that I hope the reader of this chapter might store for future thought, it is the question of what it means to be Southern or postcolonial, to author a different vision of the world and develop a methodology for bringing that world into contact with metropolitan knowledge. As we saw in the first section of this chapter, as Indians thinking about crime and justice came into contact with the work of compatriots thinking about freedom and nation, they began to look back into history for some kind of counter-narrative to the dominant tropes of colonial criminology. While in critical terms South Asian criminology has languished and become theoretically moribund in the post-independence decades, postcolonial writers of different stripes have produced important and suggestive visions of what a counter-narrative to Western modernity might look like. It remains for Southern criminologists to pick these ideas up and begin to think through an alternative vision of criminology, one that takes as its central premise the need to recognize and understand other ways of being human.

## References

- Adami R (2015) On subalternity and representation: Female and post colonial subjects claiming universal human rights in 1948. *Journal of Research on Women and Gender* 6: 56–66.
- Asiatic Society of Bengal (1867) *Proceedings of the Asiatic Society of Bengal: January to December 1866*. Calcutta: Baptist Mission Press.
- Banerjee S (1919) *Principles of Criminology, with Special Reference to their Application to India*. Bhawanipur, Calcutta: Aryya Press.
- Booth-Tucker F (1916) *Criminocurology: The Indian Crim and What to Do with Him, Being A Review of the Work of the Salvation Army Among the Prisoners, Habituals and Criminal Tribes of India*. Simla: Liddell's Printing Works.
- Brown M (2014) *Penal Power and Colonial Rule*. London: Routledge.
- Brown M (2016) Postcolonial penalty: Liberty and repression in the shadow of independence, India c. 1947. *Theoretical Criminology*. DOI: 10.1177/1362480615625762.
- Brown M (2017) The birth of criminology in South Asia, 1765-1947. In Shahidulla, S (ed) *Crime, Criminal Justice, and the Evolving Science of Criminology in South Asia: India, Pakistan and Bangladesh*. UK: Palgrave MacMillan.
- Carrington R, Hogg R and Sozzo M (2016) Southern criminology. *British Journal of Criminology* 56(1): 1–20. DOI: 10.1093/bjc/azv083.

- Chakrabarty D (2000) *Provincializing Europe: Postcolonial Thought and Historical Difference*. Princeton: Princeton University Press.
- Chatterjee P (1986) *Nationalist Thought and the Colonial World: A Derivative Discourse*. London: Zed Books.
- Chatterjee P (1993) *The Nation and its Fragments: Colonial and Postcolonial Histories*. Princeton: Princeton University Press.
- Connell R (2007) *Southern Theory: The Global Dynamics of Knowledge in Social Science*. Crows Nest, New South Wales: Allen and Unwin.
- Dados N and Connell R (2012) Global South. *Contexts* 11(1): 12–13. DOI: 10.1177/1536504212436479.
- Dirks N (1998) *Castes of Mind: Colonialism and the Making of Modern India*. Princeton, New Jersey: Princeton University Press.
- Fanon F (1967) *The Wretched of the Earth*. London: Penguin.
- GGA (1925) Criminology through Indian eyes. *Journal of Comparative Legislation and International Law*, Third Series, 7: 268.
- National Archives of India (1871) Extract from the Abstract of Proceedings of the Council of the Governor General of India, 3 October 1870. *Government of India (GOI) Legislative Proceedings* 58(A).
- Gleig Rev. GR (1841) *Memoirs of the Life of the of the Right Hon. Warren Hastings, First Governor-General of Bengal*, Vol 1. London: Richard Bentley.
- Guru G (2002) How egalitarian are the social sciences in India? *Economic and Political Weekly* 37: 5003–5009.
- Guru G and Sarukkai S (2012) *The Cracked Mirror: An Indian Debate on Experience and Theory*. New Delhi: Oxford University Press.
- Halhed NB (1776) *A Compilation of Gentoo Laws, or Ordinations of the Pundits*. London.
- Harshe G (1941) A study of the Mang Garudies under settlement conditions at Mundwa (Poona). *Indian Journal of Social Work* 1: 541–552.
- Hobbes T (1651/1909) *Hobbes's Leviathan, Reprinted from the Edition of 1651*. Oxford: Oxford University Press.

- Hutchinson Major G (1866) *Reformatory Measures Connected with the Treatment of Criminals in India*. Lahore: Punjab Printing Company Press.
- Inden R (1990) *Imagining India*. Oxford: Basil Blackwell.
- Kaul HK and Tomkins LI (1914) *Report on Questions Relating to the Administration of Criminal and Wandering Tribes in the Punjab*. Lahore: Superintendent of Government Printing.
- Kennedy M (1908) *Notes on Criminal Classes in the Bombay Presidency: With Appendices Regarding Some Foreign Criminals who Occasionally Visit the Presidency Including Hints on the Detection of Counterfeit Coin*. Bombay: Government Central Press.
- Locke J (1690/1747) *A Second Treatise on Government*. Edinburgh.
- Ludden D (2002) A brief history of subalternity. In D Ludden (ed) *Reading Subaltern Studies: Critical History, Contested Meaning and the Globalization of South Asia*: 1–39. London: Anthem Press.
- Malreddy PK (2015) *Orientalism, Terrorism, Indigenism: South Asian Readings in Postcolonialism*. New Delhi: Sage.
- Mehta US (1999) *Liberalism and Empire: A Study of Nineteenth Century British Liberal Thought*. Chicago: University of Chicago Press.
- Mill JS (1861) *Considerations on Representative Government*. London: Parker, Son and Bourn.
- Nandy A (1998) *Exiled at Home*. Delhi: Oxford University Press.
- Nehru J (1946) *The Discovery of India*. London: Meridian Books.
- Pillai KS (1924) *Principles of Criminology (The Tagore Law Lectures – 1920)*. Madras: Vest and Co.
- Radhakrishnan R (2003) *Theory in an Uneven World*. Oxford: Blackwell.
- Ramaswamy S (1994) Review: Nationalist thought and the colonial world: A derivative discourse. *Journal of Asian Studies* 53: 960–961.
- Ray CP (1903) *A History of Hindu Chemistry*, Vol. 1. Calcutta: The Bengal Chemical and Pharmaceutical Works Ltd.

- Ray CP (1909) *A History of Hindu Chemistry*, Vol. 2. Calcutta: The Bengal Chemical and Pharmaceutical Works Ltd.
- Said EW (1978) *Orientalism: Western Conceptions of the Orient*. London: Penguin.
- Seeley JR (1883/1914) *The Expansion of England*. London: Macmillan and Co.
- Sen PK (1932) *From Punishment to Prevention*. London: Humphrey Milford.
- Sen PK (1943) *Penology Old and New*. London & Calcutta: Longmans, Green and Co.
- Shahidullah S (ed) (2017) *Crime, Criminal Justice, and the Evolving Science of Criminology in South Asia: India, Pakistan and Bangladesh*. UK: Palgrave MacMillan.
- Skaria A (2014) Can the Dalit articulate a universal position?: The intellectual, the social and the writing of history. *Social History* 39: 340–358. DOI: 10.1080/03071022.2014.944424.
- Spivak GC (2004) Righting wrongs. *The South Atlantic Quarterly* 103: 523–581.
- Spry HH (1833) Some account of the gang-murderers of central India, commonly called Thugs; accompanying the skulls of seven of them. *The Phrenological Journal* 8: 511–524.
- Sengoopta, C. (2003) *Imprint of the Raj: How Fingerprinting was Born in Colonial India*. London: Macmillan.
- Schwartz H (2010) *Constructing the Criminal Tribe in Colonial India: Acting Like a Thief*. Malden, Massachusetts Wiley-Blackwell.
- Unnithan NP (ed) (2013) *Crime and Criminal Justice in India*. New Delhi: Sage.
- Visweswaran K (1996) Small speeches, subaltern gender: Nationalist ideology and its historiography. In Amin S and Chakrabarty D (eds) *Subaltern Studies IX: Writings on South Asian History and Society*: 83–125. New Delhi: Oxford University Press.
- Wagner K (ed) (2009) *Strangers and Bandits: A Historical Anthology of Thuggee*. Delhi: Oxford University Press.

### **Laws and Conventions Cited**

- Declaration on the Rights of Indigenous Peoples* (2007)  
*Declaration of the Rights of Man and Citizen* (1789)

*Universal Declaration of Human Rights (1948)*