Towards a Decolonisation of Queer Criminology

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Abstract:
This paper offers an initial discussion of the extent to which queer criminology is invested in settler colonialism, and a consideration of the prospects for decolonising queer criminology. As the epistemological and political underpinnings of queer activism and scholarship are firmly situated in the Global North, a queer criminology developed in their image may not have resonance for, or be applicable to, those outside of or not fully included in these contexts. In fact, aspects of queer criminology may contribute to the perpetuation and expansion of colonial power generally, and queer settler colonialism in particular (Morgensen 2012). This paper examines three key areas in which queer scholarship and criminology have been critiqued and which suggest that the decolonisation of queer criminology is necessary.

Keywords:
Queer criminology; decolonisation; queer settler colonialism; counter-colonial criminology

Introduction

Decolonisation is a well-established goal of critical scholarship and activism in a range of fields (Cunneen and Tauri, 2016; Mignolo, 2011). Thus far, discussions about decolonisation – and particularly the decolonisation of criminology – have not informed queer criminology. This paper argues that it is incumbent upon queer criminologists, in

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1 This paper develops arguments initially discussed in Ball (2016).
developing their field, to confront the question of whether queer criminological work needs to be decolonised, and to explore how this might be possible. Its main purpose is to articulate three key arguments that point to the necessity of this task. Put simply, these arguments are drawn from: the limitations of queer scholarship and activism generally; the counter-colonial critique of criminology broadly; and Indigenous critiques of queer politics, particularly the notion of ‘queer settler colonialism’. This paper will discuss these arguments in turn, and suggest that as a critical and politically activist criminology concerned with achieving social justice, it is essential that queer criminology engages further with these issues.

Importantly, this paper can only offer preliminary suggestions in this direction. It is primarily targeted at queer criminologists, some of whom may have only a passing familiarity with work on decolonisation and how it relates to queer and criminological thought. The paper does not offer a comprehensive introduction to these issues, nor does it offer a general discussion of the reasons that decolonisation is an important goal (issues canvassed more broadly elsewhere – see, for example, Mignolo, 2011). Rather, it seeks to provide some tools to demonstrate why pushing beyond what might be considered to be the normative, white, (and often) settler space of queer criminology is important. By focusing specifically on those issues that speak most immediately to the work of queer criminologists, it aims to highlight why they ought to confront these questions.

**Conceptual Parameters**

In order to contextualise this discussion and to understand the importance of decolonising queer criminology, it is necessary to provide the backdrop against which such arguments are made. These points relate in many respects to the purpose of queer criminology. In previous work I have argued that, following Judith Butler, queer criminology can be understood as an ethical and political task through which to create discursive and political spaces within the fields of criminology and criminal justice in which queer lives can be made ‘liveable’ and can be taken to ‘matter’ (Ball, 2014; Ball, 2016; Butler, 2004; Butler, 2009). Butler’s work has focused on the ways in which particular lives are constructed as ‘liveable’, and others as ‘unliveable’ (Butler, 2004; Butler, 2009). Lives are ‘unliveable’ if, because of the limits of existing discursive frames,
they are not recognised as lives, and are therefore not taken to ‘matter’ (Butler, 2004). The political task then becomes to reshape these discourses and expand what may be considered a ‘liveable life’.

Queer lives have been, at best, overlooked, and at worst, rendered deviant by criminologists for much of the discipline’s history (Woods, 2014). Criminology has also actively contributed to the injurious regulation of queer lives. As such, through their work, queer criminologists have sought to address these oversights and misrepresentations in criminology and criminal justice practices. For example, Jordan Blair Woods has suggested that the task of queer criminology ought to be to ‘consider how sexual orientation and gender identity/expression as non-deviant differences – in combination with other differences, such as race/ethnicity, class, and religion – may influence victimisation, involvement in crime, and experiences in the criminal justice system more broadly’ (Woods, 2014: 18). Similarly, Carrie L. Buist and Emily Lenning have suggested that queer criminology ought to ‘highlight the stigmatisation, the criminalisation, and in many ways the rejection of the Queer community... as both victims and offenders, by academe and the criminal legal system’ (Buist and Lenning, 2016: 1). On this basis, it is possible to conceive of queer criminologists as taking up, in some respects, the ethical task mentioned above.

But conceiving of the task of queer criminology in this way also requires a constant examination of how the discourses of queer criminologists may contain within them, or perpetuate, new definitions of what constitutes ‘liveable’ and ‘unliveable’ lives. In many of the directions proposed for queer criminology so far, the overwhelming focus (understandably) is placed on issues relating to sexuality and gender diversity. While it is not the case that other intersectional dynamics have been ignored (race and class are two key factors that often feature in this work), so far, issues of colonialism and indigeneity and their connections to sexuality and gender diversity have not been articulated in significant depth within queer criminology. It is important for this to be considered in the development of queer criminology if queer Indigenous lives are taken to ‘matter’.

In order to appreciate the importance of decolonising queer criminology, it is also necessary to consider the unique way in which ‘queer’ is understood here. As I have also argued elsewhere (Ball, 2013), there is considerable scope for queer criminology to move
beyond identity-based understandings of ‘queer’, and to utilise queer thought within criminology in disruptive ways (see also Ball, 2016). Doing so would make it possible for queer criminological work to challenge, subvert, and redirect the major tasks and assumptions of criminology. The reason for this is not simply to engage in disruption for disruption’s sake – a critique often levelled at deconstructive politics informed by poststructural analyses. Rather, such disruptions are fundamentally informed by a desire to achieve change in the interests of justice for those who might find comfort under the ‘queer’ umbrella. These purposes mean that queer criminology is not underpinned by a limited conception of LGBTIQ identity politics, from which Indigenous voices are often excluded. In this sense, it can more effectively encompass the politics associated with decolonisation, which incorporates a more disruptive challenge to the status quo and the taken-for-granted. It can also extend the views of which queer lives are taken to ‘matter’ and how best to ensure this. I turn now to discuss the three key reasons canvassed in this paper that suggest that the decolonisation of queer criminology is necessary.²

The Limits of Queer Scholarship and Activism

One reason that it is necessary to explore how queer criminology might be decolonised relates to the limits of some queer scholarship and activism. Despite being associated, in many respects, with quite radical politics, queer scholarship and activism have not been immune to critiques that they also reinforce other unjust social structures and existing power relations. These structures and power relations include those that disadvantage, disenfranchise, and otherwise dispossess Indigenous people. Such critiques ought to be considered here, as queer criminology may risk perpetuating them.

A central critique levelled at queer scholarship and politics relates to their epistemological, conceptual, and political positioning within the Global North. Queer politics initially developed in response to the limitations and exclusions identified within American and European lesbian and gay rights movements, as well as feminist politics –

² In doing so, it is important to note that while there are alliances between queer and counter-colonial politics, queer criminologists must not misrecognise counter-colonial politics as queer politics and reframe them according to queer concerns or through a queer lens. I suggest that conceiving of the tasks of queer criminology in the way outlined above helps queer criminologists to identify how their politics might be aligned with counter-colonial politics, and recognise their responsibility to respect and contribute to those politics.
Particularly the exclusion of transgender people, people of colour, and those who did not align with traditional gay and lesbian liberation politics. While, in some respects, queer activism was intended to offer a more radical political alternative to those who were excluded from, or felt that their interests or political goals were not reflected in, these movements (Sullivan, 2003), it still developed from culturally and politically contingent circumstances in Anglo-European and American contexts. The kinds of politics developed in these circumstances are not necessarily always relevant to those who encounter other social and political conditions, and it is not possible to simply artificially reproduce ‘queer’ work in other contexts (Bao, 2011).

Partly because of their historical and political context, and partly because of the conceptual and philosophical positions on which they are based, queer scholarship and activism have been criticised for maintaining specific forms of erasure and exclusion. Some early queer work struggled to adequately account for the multiple intersections between forms of social difference (Giffney, 2009: 3), and it often seemed that the radically deconstructive, anti-normative politics of queer work was only available to a ‘transparent white subject’ who already has racial and cultural privilege (Eng et al., 2005: 12) – prototypically the cisgender man (Jagose, 1996: 116; Sullivan, 2003: 48; Walters, 1996: 11-12). This is a concern for those who do not experience white privilege, because the term ‘queer’ is not necessarily always empowering for people of colour, given that it is used within racist social structures as a way of reinforcing the supposed sexual deviance of people of colour (La Fountain-Stokes, 2011; Muñoz, 2009; Sullivan, 2003: 48).

As Crichlow has argued, ‘queer’ reinforces ‘the white hegemony of lesbian and gay politics’ (Crichlow, 2004: 217), erasing culturally specific terms and subjectivities. And even when it does recognise and respect these subjectivities, as I will discuss in a later section, it can do so problematically by reproducing injustice.

There has also been some concern that despite critiquing binaries (primarily in the context of gender and sexuality), queer scholarship and activism reproduces some other problematic binaries, leading to forms of elitism. For example, it is argued that in creating a distinction between the ‘normative’ and ‘conservative’ assimilation politics that dominate gay and lesbian movements, and the more ‘radical’ and ‘progressive’ queer politics, queer scholars and activists position queer approaches as superior and imply that others are less desirable as a result (Sullivan, 2003: 47). Associated with this, some
have felt that there has also been a denigration of more 'normative' identities or 'traditional' relationships, and a celebration of the array of non-normative relationships and subjectivities symbolised by 'queer' (Berlant and Warner, 1995: 346; Halperin, 1995: 65; Sedgwick, 2011: 198-199; Sullivan, 2003: 49). These dynamics, it is argued, potentially exclude those who identify in ways that appear essentialising, or those who may adopt an identity category because of its strategic political value (Butler, 1993) – something that may characterise queer-related politics among significantly disadvantaged groups or in many contexts outside of the Global North.

Finally, one of the most persistent critiques of queer scholarship and activism is that due to its preference for encouraging discursive play and deconstruction, it does not focus enough on achieving material gains in equality and justice in queer lives (Walters, 1996: 12). Additionally, because the writing style of queer scholars has been described as opaque and dense, queer work is thought to be inaccessible to members of the community who experience the worst disadvantage and marginalisation (Giffney, 2009: 3). Queers scholars usually defend their style in this respect by highlighting that these forms of politics are nevertheless directed at very real injustices, and that the apparent complexity of their work is inevitable given that they seek to radically push against existing structures of thought (Lloyd, 2007: 21). However, it remains the case that some feel more could be done in an immediate sense to link queer scholarship and activism to the injustices that they experience, or at least to better articulate these connections and make them apparent to those experiencing marginalisation.

Thus, while queer work has been productive in many respects, it has not been without critique. The productivity and utility of 'queer' for some, particularly those who experience the most significant forms of marginalisation, has been questioned. Because of this, it is important to consider the potential limitations of queer-informed work for those who do not experience particular forms of privilege, including Indigenous people and many of those outside the Global North.

**Challenging the Colonial Dynamics of Criminology**

Insights from counter-colonial scholars working within criminology might provide further impetus for queer criminologists to explore how queer criminology might be
decolonised. Counter-colonial criminologists are generally united in the political project of decolonisation, responding to the injustices that Indigenous peoples continue to experience in societies with a history of colonisation, and particularly in settler-colonial societies (where the settler population and settler social structures and institutions have sought to replace the Indigenous population and Indigenous social structures). In particular, they work to identify the ways in which criminology as a discipline, and criminal justice practices, operate as part of an ongoing colonial project. On this point, Biko Agozino notes that criminology emerged historically ‘...as a discipline for disciplining and controlling the Other at a time when colonial administrations were imprisoning most regions of the world’ (Agozino, 2003: 6), also pointing out that ‘...criminology is a social science that served colonialism more directly than many other social sciences’ (ibid: 1) because it ‘...was developed primarily as a tool for imperialist domination’ (ibid: 228). Because criminologists have not fully accounted for these historical connections between criminology and colonialism, Agozino suggests that criminology remains connected to ‘imperial reason’ (ibid: 245). The goal of counter-colonial criminologists, then, is to ‘...decolonis[e] theories and methods of the empire of law in criminology’ (Agozino, 2004: 344).

For counter-colonial criminologists, central to decolonising criminology is challenging the epistemological assumptions of criminology, and the relations through which knowledge is produced and circulated within the discipline. This is not just in order to include previously overlooked Indigenous voices, as to do so would only reproduce the structural inequalities perpetuated by the discipline. Rather, it must also provide a space for new ways of knowing, including Indigenous epistemologies and ontologies (Blagg, 2008: 130; Cunneen and Rowe, 2014: 61; Cunneen and Tauri, 2016; Kitossa, 2014: 65; Kitossa, 2012: 217). In this sense, the targets of many counter-colonial criminological critiques are positivism and scientism (defined by Kitossa [2014: 73] as ‘...the socialised deification of an approach to science as though by means of quantification and technical definitions the vast domain of human experience and interaction, like molecules in a test tube, are quanta’) within criminology. These approaches have been described as racially coded and gendered, and as forms of ‘epistemic violence’ that work to dismiss as unscientific or irrational other ways of knowing (Kitossa, 2014: 63, 73). As the dismissal and suppression of Indigenous knowledges and cultures has been a central component of
colonial domination, the dominance of scientism and positivism in criminology only reinforces criminology’s role in expanding colonialism and highlights the importance of these as targets of decolonisation (Cunneen and Rowe, 2014: 50, 52; Kitossa, 2014: 67).

These critiques highlight for queer criminologists the importance of considering how queer criminological work itself might perpetuate the dynamics that are challenged here. On the basis of such critiques, it is important to consider the ways in which calls to develop queer criminology, and invest in or expand the production of criminological knowledge, may perpetuate the dynamics of colonial power that counter-colonial criminologists seek to push against. These dynamics differ across societies with a history of colonialism, thereby working against the development of a single kind of approach to ‘decolonising’ queer criminology. Nevertheless, it is important to examine the multiple ways that the production of queer criminological knowledge, and any associated queer politics, may perpetuate colonial power (such as by serving the interests of the settler colonial state), and to identify ways of subverting this. In fact, it may be instructive that counter-colonial criminologists rarely seem to entertain the possibility of being situated within criminology. In this vein, while suggesting that some sort of critical presence by counter-colonial criminologists within criminology is necessary, it is possible to hear the irony when Agozino asks ‘[s]hould third world students be encouraged to study the science with which their countries were subjugated for centuries?’ (Agozino, 2004: 354).

These questions have not yet been explored in any substantial way within queer criminological work and yet remain essential if queer criminology is to be taken seriously as an ethical project as described above.

**Queer Settler Colonialism**

A third reason that suggests it is necessary to explore how queer criminology can be decolonised is drawn from more specific critiques of queer scholarship and activism raised by Indigenous and counter-colonial scholars, and particularly the notion of ‘queer settler colonialism’. This is particularly useful for understanding queer criminological politics in settler colonial societies – that is, where the settler population has sought to replace the Indigenous population, in contrast to other societies that might be described as postcolonial (Veracini, 2010). There are many reasons to argue that queer scholarship
and politics have a lot to offer to sexuality- and gender-diverse Indigenous peoples – including as open spaces to recognise, celebrate, and represent diverse sexualities and genders, particularly those that have been regulated through colonial constructs of sexuality and gender (Buist and Lenning, 2016: 26-29; Morgensen, 2012: 170). However, as we have seen, the utility of ‘queer’ for addressing the discourses and power relations that produce marginalisation and oppression, including those that feature in Indigenous lives, is contested.

In particular, it is necessary to look at the ways in which queer politics may in fact operate to support settler colonialism – something that Scott Lauria Morgensen terms ‘queer settler colonialism’ (2012; see also Morgensen, 2011). After all, as Morgensen points out, the primary condition of queer politics in settler states is settler colonialism (Morgensen, 2012: 167). Queer settler colonialism is perpetuated in a number of ways. One key way in which this is achieved is through queer political support for the nation-state and its institutions – institutions and relations that have not yet been decolonised. In recent times, diverse genders and sexualities have been progressively ‘included’ by nation-states, further securing the rule of those states, and ‘domesticating’ these communities, though often at the expense of certain ‘others’ (Haritaworn, 2015). A key example highlighting this is the growing recognition of LGBT rights in the Israeli state, which has occurred at the same time that the basic rights of Palestinians are violated and the dispossession of Palestinian land continues (Morgensen, 2012: 175; Schulman, 2012). These kinds of queer politics, which seek inclusion into, and recognition by, the institutions of the nation-state, simply perpetuate settler colonialism by strengthening these states and institutions. They do not contribute to a decolonisation of these institutions, and do nothing to change the colonial power dynamics that not only make those institutions possible, but enable queer politics on colonised lands. As Morgensen points out, to the extent that queer politics ‘...ma[kes] the settler state [its] horizon of freedom’, the calls of colonised peoples for a decolonisation of settler society will go unheeded (Morgensen, 2012: 170).³

³ These critiques reflect a number of arguments about investments in the nation-state that have long been articulated in queer scholarship and critical scholarship more broadly. For example, they extend Wendy Brown’s argument that they position the nation-state as a ‘neutral [arbiter] of injury’, and not as an institution also ‘invested with the power to injure’ (Brown, 1995: 27). They also align with the critique of
Queer settler colonialism is also perpetuated through queer political claims of respect for, and kinship with, Indigenous gender and sexual diversity (Morgensen, 2012: 172). Within queer politics, it is easy to suggest parallels between the struggles of diverse genders and sexualities present within many Indigenous cultures and queer subjectivities in settler colonial societies – particularly because of their regulation through the violent colonial impositions of gender binaries, or through laws prohibiting sodomy, for example. It becomes tempting, then, to define these as queer struggles, and to suggest that queer politics has a lot to offer sexuality- and gender-diverse people in Indigenous communities. However, it is here that queer politics potentially colonises Indigenous politics. Thus, while it is possible to suggest that the reassertion by colonised people of diverse genders and sexualities is a form of queer politics, this potentially misrecognises projects of decolonisation for queer politics. It is important that such movements also (and even primarily) be understood as a renewal of ‘...Indigenous traditions of personhood and governance’ connected to a project of decolonisation (Morgensen, 2012: 170).

Thus, as long as queer politics is organised around the interests of settlers, it will fail to contribute to decolonisation. On the basis of these critiques, queer settlers must

...take responsibility for examining how their gendered and sexual existence is conditioned by settler colonialism. Both their marginality and its redress are structured by settler-colonial power, such that every articulation of their existence on stolen land sustains that inherent interrelationship (Morgensen, 2012: 185).

For queer criminologists in settler colonial states such as the US and Australia, this means reflecting on the ways in which the development of queer criminology – and particularly the production of criminological knowledge as part of this – reinforces queer settler colonialism, and exploring whether it is possible to pursue queer politics at the same time as engaging with a decolonising politics.

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homonormativity, developed by Lisa Duggan (2003) and others, which points out that the political wish among mainstream gay and lesbian politics is to be able to conform within the neoliberal state.
Conclusion

The reasons, articulated in this paper, that the decolonisation of queer criminology needs to be explored further are not new – they rehearse many arguments already canvassed over the years by scholars and activists pushing against colonialism. My purpose in drawing them together here has been to underscore their importance to the work of queer criminologists. As I have shown, queer criminology lies at the intersection of these critiques of criminology, queer settler colonialism, and queer politics and scholarship generally (see further Ball, 2016). If queer criminology develops without confronting the issue of decolonisation – and specifically the different kinds of colonial power and colonial histories that exist in different contexts – then it is likely that the problems identified above will only be compounded. Thus, the future of the field depends on engaging with these issues. This is particularly the case if queer criminology is taken to be a disruptive project that seeks to challenge orthodoxies and the taken-for-granted, and an ethical task directed towards expanding which queer lives are considered to be ‘liveable lives’.

This discussion has suggested, only on the basis of the arguments that it canvasses, that it is likely that queer criminology is invested in colonial power in various forms and that it is necessary to explore how it can be decolonised. However, this remains a suggestion, and the detail of how colonial power informs or underpins queer criminology has not been articulated here. While the purpose of this paper has simply been to turn the attention of queer criminologists to these issues, it remains necessary to further engage with the work of scholars (including criminologists) already dealing with these issues. Doing so will help not only to provide a deeper understanding of the ways in which queer criminology can be decolonised, but also to identify the potentially problematic aspects of queer criminological work and bring to light the places at which change is possible.


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