

'Law' 'Order' 'Justice' 'Crime':

Disrupting key concepts in Criminology through the study of colonial history.

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Abstract

This article reviews a final year undergraduate module, *Crime, Punishment and Justice in the British Empire*, evaluating the extent to which it contributed a de/post-colonial perspective within the delivery of a criminology programme's curriculum. To do this the paper first critiques the discipline of criminology and its links with colonialism, before describing how this module was designed to address criminology's 'colonial problem'. The paper then explores the design and delivery of the module from the perspective of the author before providing a student perspective on the module based on data collected through five semi-structured interviews. The paper concludes that although the module largely met its objectives, a single option module can only have a limited impact. If criminology can be decolonised (something the paper remains agnostic about) it will require a radical rethinking of the curriculum at a programme level.

Key Words

Decolonisation; Criminology; Curriculum; Racism.

Introduction

This paper explores the author's experience of designing and delivering a final year undergraduate module *Crime, Punishment and Justice in the British Empire*, in the first semester of the 2018/19 academic year. The module was delivered at Newman University, Birmingham, a small university whose students are drawn almost exclusively from local working-class communities.¹ It was offered as an option on the BA Criminology programme and designed to allow students to explore concepts central to the wider programme such as law, order, justice, 'crime' and punishment through an engagement with the history of the British empire. Whilst traditional histories of 'crime', criminal law, and punishment draw exclusively from the metropole – normally in a Whiggish manner that portrays them as stories of the progress of civilisation – a global perspective, highlighting both pre-colonial indigenous traditions² and the ways that European states utilised criminal law in the governance of their colonies, has the potential to unsettle and disrupt a criminology students' understanding of criminal law.

¹ The University's 2019 Transparency return shows that 54% of the university's student intake was in the EIMD (English Index of Multiple Deprivation) Quartile 1 (the most 'deprived' quartile) and that 47% of students were classified as 'BAME'. (The dataset [Table 1b] can be accessed via <<https://www.newman.ac.uk/knowledge-base/applications-offers-acceptances-and-registrations-2018-19-entrants/>>).

² Although the author strongly supports the inclusion of such traditions in the curriculum, this was not attempted within the module analysed in this paper

The module was intended to meet four key objectives. Firstly, to use the history of the British empire to critique key criminological concepts. Secondly, to use colonial history to explore the role of racism and 'race' in criminal law and criminal justice practice. Thirdly, to explore the significance of the state, its deployment of penal law as a governance strategy and its use of 'emergencies' to justify exceptionalism. Finally, it was intended to contribute to the provision of a curriculum that had relevance for all students. The module's theoretical focus was therefore on the concepts of 'crime' and 'race', which could then be explored through a selection of case studies drawn from the wider history of the British empire. Thirteen out of a cohort of 27 chose to take the module. The relatively small size of the programme meant the students all knew each other well and they had an established relationship with me. Although all the students had been born in England many of their grandparents had been born in places that had been colonised by Britain, namely, Pakistan, India, Jamaica and Ireland.

This article sets out, firstly, to explore the discipline of criminology and why a (post/de)colonial perspective is particularly relevant for the subject's curriculum in higher education. It does this in two sections, firstly, a brief critique of the 'problems' – from a decolonial perspective – of the discipline of criminology and secondly, by setting out how this module was designed to address these problems and disrupt the key concepts that ground the discipline. The article then moves onto to an evaluation of the module, both in terms of its design and its delivery. This analysis is informed by five semi-structured interviews of students who took the module undertaken by the researcher.³ The paper concludes that whilst this module provided students with valuable (post/de)colonial perspectives on key criminal law concepts it was no substitute for decolonising the wider curriculum.

The problems with criminology

At this time colonialism's significance to education is being recognised and all disciplines are being challenged to 'decolonise'.⁴ Disciplines emerged in Europe at the same time as it developed power/knowledge/difference to govern both its capitalist metropole and its colonies.⁵ Like other disciplines, criminology's "historical emergence ... was occasioned by a problem, a requirement, an obstacle of a theoretical or practical order".⁶ That order was the capitalist and imperial order. In fulfilling this function Criminology has always been "entirely utilitarian".⁷ For Michel Foucault, criminology "is of such utility ... that it does not even need to seek a theoretical justification for itself".⁸ As a discipline criminology is unique in that its subject matter – 'crime' – is determined by the state.⁹ Given that it is the state that determines criminology's subject matter, it is concerning that the discipline generates theories that often "have no concept or theory of the state".¹⁰ As a consequence

³ Ethical Approval was granted for this research by the Research Ethics Committee of Newman University #S2018/035

⁴ Gurminder, K. Bhabra, Dalia Gebrial and Kerem Nişancioğlu (eds), *Decolonising the University* (Pluto Press, 2018)

⁵ Stuart Hall *The Fateful Triangle: Race, Ethnicity, Nation* (Harvard University Press, 2017)

⁶ Michel Foucault, *The Order of Things* (Routledge, 2002) p.376

⁷ Michel Foucault, *Power/knowledge: Selected Interviews and Other Writings 1972-1977* (Harvester Wheatsheaf, 1980) p. 47

⁸ Ibid.

⁹ Paddy Hillyard and Steve Tombs, 'Beyond Criminology' in Paddy Hillyard and others (eds.), *Beyond Criminology: Taking Harm Seriously* (Pluto Press, 2004)

¹⁰ Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke & Brian Roberts, *Policing the Crisis: Mugging, the State, and Law and Order* (MacMillan Press, 1978) p. 190

the discipline tends to ignore the often oppressive and violent nature of the state itself.¹¹ Given the state's central role in not only defining 'crime', but also in responding to it through penal law and its criminal justice agencies, it is vital for criminology to understand how the modern state, in the metropole, settler colonies and the post-colonial 'independent' states has been shaped not only by capitalism but by the challenges of colonial governance.¹²

Whilst the focus on 'crime' ensures criminology's range is determined by the state, 'crime' existed before, and without, criminology. Criminology's specific contribution was its invention of the criminal; 'crime' ceased to be something committed by otherwise normal people but by the criminal 'other'.¹³ The penal philosophy of Beccaria and Bentham had perceived criminals as rational beings, motivated by exactly the same forces and influences as everybody else.¹⁴ The key to stopping, or at least minimising, offences was to ensure the certainty of receiving an appropriate punishment.¹⁵ Criminology changed this. During the 19th century criminals ceased to be rational beings, they became both morally defective and in need of reformation. Lombroso, and other early criminologists, discovered the 'born criminal'; an incurable primitive being, sub-human, and entirely unlike the 'normal' person.¹⁶ Criminology invented "an enemy mysterious, unrecognized by history ... the CRIMINAL."¹⁷ So why was it that, in the nineteenth century, this 'mysterious' and 'unrecognized' criminal was able to be perceived? In the preceding centuries Europe had been engaged in invasion, genocide, slavery, asset stripping and a myriad of other oppressive and exploitative activities across the globe.¹⁸ Colonial domination required humanity to *not* be universal. Invented in the metropole and deployed in the colony, 'race' (or more accurately racism) enabled the creation of the 'racial other', the subject without the rights and liberty of the liberal 'white' citizen.¹⁹ The discipline most central to the project of scientifically proving the otherness of the colonial subject was anthropology and Lombroso chose to initially brand the discipline that would become criminology as 'criminal anthropology'.²⁰ When in 1924 the Indian legal scholar K S Pillai, observed that: "The African Negro reminds us of several characteristics of Lombroso's born criminal ..." his association was no coincidence. Lombroso's 'other', the born criminal, could only be discovered because of the racial 'other'; anthropology's invention legitimising colonialism.²¹

These issues are almost exclusively avoided in the teaching of criminology. 'Crime' is largely presented as an unproblematic concept, with criminal justice institutions and the operation of penal law accepted as its natural responses. My own research, seeking to explain contemporary levels of penalty in the metropole through historical analysis, led me to move beyond the metropole and to a

¹¹ Joe Sim, 'The Victimised State and the Mystification of Social Harm' in Paddy Hillyard and others (eds.), *Beyond Criminology: Taking Harm Seriously* (Pluto Press, 2004)

¹² Partha Chatterjee, *The Black Hole of Empire: History of a Global Practice of Power* (Princeton University Press, 2012)

¹³ David Garland, *Punishment and Welfare: A history of penal strategies* (Gower, 1985)

¹⁴ Cesare Beccaria, *On Crimes and Punishments* (Hackett Publishing, 1986); Jeremy Bentham, 'Principles of Penal Law' in John Bowring (ed.), *The Works of Jeremy Bentham*, Volume IV (William Tait, 1843), pp. 365-380.

¹⁵ Ibid

¹⁶ Cesare Lombroso, *Criminal Man* (Trans. Mary Gibson and Nicole Hahn Rafter, Duke University Press, 2006); Cesare Lombroso, *Criminal Woman, the Prostitute, and the Normal Woman* (Trans. Mary Gibson and Nicole Hahn Rafter, Duke University Press, 2004)

¹⁷ Raffaele Garofalo, *Criminology* (Little, Brown, and Company, 1914) p.xxvii. Emphasis in the original.

¹⁸ Aimé Césaire, *Discourse on Colonialism*, (Trans. Joan Pinkham, Monthly Review Press, 2000)

¹⁹ Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (2nd edn. University of Chicago Press, 1999); Domenico Losurdo *Liberalism: A Counter-History* (Verso, 2011)

²⁰ Nicole Hahn Rafter, *Creating Born Criminals* (University of Illinois Press, 1997)

²¹ Pillai, K.S. *Principles of Criminology: The Tagore Law Lectures – 1920*, (Vest & Co, 1924)

focus on colonial governance. Whilst the punitive turn of recent decades could *not* be explained by a historic focus on Britain, a wider perspective of the penalty of the British state, in its empire, showed clear continuities.²² The introduction of this history makes the progressive and civilising Whig accounts of the development of criminal justice unsustainable. Criminology's link to 'crime' makes attempts to engage with colonialism problematic. For example, when Emmanuel Onyeozili claims that the British occupation of Lagos was "international terrorism and a violation of international law" and Biko Agozino argues that the "enslavement of Africans was a crime against humanity" they fail to acknowledge that however harmful, vile and repugnant the behaviours of British colonialism were, they were not crimes.²³ Indeed, the British state carefully deployed law to legitimise its conduct. Rather than being 'crimes' these abuses of human rights show the limitation of the concept and the need to seek explanations and counter-colonial praxis which recognise the limitations of criminology's core concepts. 'Law', 'Order', 'Justice', 'Crime' – concepts often presented as unproblematic in the curriculum of criminology – become much more challenging when explored through the history of the *legal* enslavement of Africans, the *legal* genocide of indigenous peoples, the *legal* looting of India, the racist colonial *legal* codes, and the wide range of other *legalised* (and *legally* enforced) injustices and harms that characterised colonial governance.²⁴ Without this history any study of 'crime', criminals or the criminal justice system is not only incomplete but fundamentally inaccurate.

Explaining how criminology "continues to operate largely as a repressive technology," Agozino has highlighted how it "was developed primarily as a tool for imperialist domination".²⁵ Indeed Agozino has repeatedly drawn attention to the highly problematic relationship between criminology and colonialism observing that criminologists have "completely ignored the crimes of colonialism and the epochal struggles for decolonisation while focusing on street crimes."²⁶ Criminology therefore has a colonial problem.²⁷ It is not only has, like all disciplines, to confront the colonial legacy of the academy and the states in which it seeks to operate, but through its focus on 'crime', it has accepted that that state defines its remit. Its foundational contribution, the invention of the criminal 'other', a development made possible through the utilising of the racist concept of the racial 'other' makes decolonisation even more difficult. Current attempts to decolonise the discipline are problematic. For example, Southern Criminology, which explicitly states that is not intended 'to dismiss the conceptual and empirical advances in criminology, but to more usefully de-colonize and democratize the toolbox of available criminological concepts, theories and methods', adopts a largely geographic conception

²² J.M. Moore, 'Is the Empire coming home? Liberalism, exclusion and the punitiveness of the British State' [2014] *Papers from the British Criminology Conference*

²³ Emmanuel C. Onyeozili, 'Gunboat Criminology and the Colonization of Africa' in Anita Kalunta-Crumpton and Biko Agozino (Eds.) *Pan-African Issues in Crime and Justice* (Ashgate, 2004) p.225; Biko Agozino, 'Reparative Justice: A Pan-African Criminology Primer' in Anita Kalunta-Crumpton and Biko Agozino, (eds.) *Pan-African Issues in Crime and Justice* (Ashgate, 2004) p.234

²⁴ David Olusoga, *Black and British: A Forgotten History* (Macmillan, 2016); Asafa Jalata, 'The Impact of English Colonial Terrorism and Genocide on Indigenous/Black Australians' Sage Open <<https://journals.sagepub.com/doi/full/10.1177/2158244013499143>> accessed 26 October 2019; Shashi Tharoor, *Inglorious Empire: What the British did to India* (Penguin, 2016); Ivan Evans, 'Racial violence and the origins of segregation in South Africa', in Caroline Elkins and Susan Pedersen (eds.) *Settler Colonialism in the Twentieth Century* (Routledge, 2005).

²⁵ Biko Agozino, *Counter-Colonial Criminology: A Critique of Imperialist reason* (Pluto Press, 2003) p.228

²⁶ Biko Agozino, 'The Withering Away of the Law: An Indigenous Perspective on the Decolonisation of the Criminal Justice System and Criminology' [2018] *Journal of Global Indigeneity*, 3(1), p.6

²⁷ Space does not permit me to further develop this point. However, it is important to stress that this 'problem' presents in very different ways in independent former colonies, settler-colonies and the metropole.

of 'Southern'.²⁸ This has enabled settler colonies and their criminological discourse to be located in the 'South' thereby failing to recognise that, as Edouard Glissant has pointed out, '(t)he west is not in the west. It is a project, not a place.'²⁹ Likewise, recent Australian attempts at *Decolonising Criminology* and introducing *Indigenous Criminology* have failed to engage fully with the genocidal logic of settler colonialism.³⁰ To date these new paradigms have failed to satisfactorily demonstrate if criminology, an "imperialistic discipline", can be decolonised?³¹

Crime Punishment and Justice in the British Empire – The Curriculum

Designing the curriculum for a one semester module is always challenging. This is particularly the case with one covering a broad topic with a wide geographic and historic span. The starting point was to identify key theoretical concepts required to underpin the module. The two selected were 'crime' and 'race'. These were to be used to explore the case studies that formed the bulk of module and were central to the assignments. A range of potential case studies were identified and two were selected before the module ran, one focused on slavery (*Not a Crime? The Atlantic Trade in Enslaved Africans*) and the other on the economic exploitation of India (*Robbery with Violence – the Mugging of India*). From a range of further case studies suggested by me, students selected to explore: the genocide of Australia's indigenous peoples; the Morant Bay uprising in Jamaica; and the Mau Mau uprising in Kenya. In addition, there was an introductory session on the wider history of the British Empire, a visit to the International Slavery Museum in Liverpool and a concluding session exploring the relevance of the module to contemporary criminal justice in Britain today.

Whilst the student cohort were familiar with the fragility of the concept of 'crime' from a previous module, this module provided an opportunity to utilize the history of colonial penalty to reengage critically with the attempts of scholars to develop, for criminology, a viable definition of 'crime'. 'Crime' would appear, at first sight, to be simply an act or omission proscribed by the criminal law. As such it includes acts that are not only widespread but committed regularly by the majority of the population. 'Crime' is widespread, mundane, ordinary behaviour that is potentially "in endless supply".³² However, for a discipline whose *raison d'état* is its identification of the criminal 'other', such a definition is unacceptable. Attempting to narrow the discipline's focus, Paul Tappan argued that "(o)nly those are criminals who have been adjudicated as such by the courts."³³ Whilst convenient, such a definition wilfully ignores questions about who makes the law, what motivates them, how the law is enforced (or not), and the clear evidence of differential treatment, in particular on the basis of

²⁸ Kerry Carrington, Russell Hogg, and Máximo Sozzo, 'Southern Criminology' [2016] *British Journal of Criminology* 56 (1) p. 1

²⁹ Edouard Glissant, *Caribbean Discourse: Selected Essays* (University of Virginia Press, 1992) p. 2.

³⁰ Harry Blagg and Thalia Anthony, *Decolonising Criminology: Imagining Justice in a Postcolonial World* (Palgrave Macmillan, 2019); Chris Cunneen and Juan Tauri, *Indigenous Criminology* (Policy Press, 2016). Also see my review of *Indigenous Criminology* (J.M. Moore, 'Review of Indigenous Criminology' (2017) *Howard Journal of Crime and Justice* 56 (3) pp. 386-7.

³¹ Biko Agozino, 'Reparative Justice: A Pan-African Criminology Primer' in Anita Kalunta-Crompton and Biko Agozino (eds), *Pan-African Issues in Crime and Justice* (Ashgate, 2004) p.228

³² Nils Christie, *A Suitable Amount of Crime* (Routledge, 2004) p.10

³³ Paul W. Tappan, 'Who is the Criminal?' *American Sociological Review* [1947] 12 (1) p.100

class and race, which characterises criminal justice practice.³⁴ Ultimately a focus on a legalistic definition leads to the conclusion that “the criminal law is the formal cause of crime”.³⁵

To escape this conclusion, criminologists have sought to develop definitions of ‘crime’ independent of criminal law. Raffaele Garofalo deployed the concept of “*natural crime*” which he defined as “those acts which no civilized society can refuse to recognize as criminal and repress by means of punishment.”³⁶ To give credibility to the concept of the criminal, Garofalo argued for a division of currently criminal offences into ‘natural crimes’ and ‘mere transgressions’, asking his readers:

what is to prevent the existence, side by side with the criminal code, of a separate code of disobediences, the one dealing with natural criminality, the other with all mere transgressions of law which public policy finds it necessary to repress with measures of severity?³⁷

Other criminologists have argued for a focus on human rights, with Stan Cohen and Tony Ward utilising the UN’s 1948 Universal Declaration of Human Rights in their theorising of state crime.³⁸ Others have adopted a human rights approach that extends well beyond the UN Declaration with, for example, Herman and Julia Schwedinger arguing that “imperialism, racism, sexism and poverty” should be considered crimes.³⁹ Other criminologists have argued that the focus should be on perceiving ‘crime’ as ideological censure, as anti-social behaviour, or historical invention whilst others have argued that rather than concentrate on ‘crime’ the focus should be on harm or deviance.⁴⁰ The module was intended to allow students to revisit this criminological theory, but this time to interrogate it through its application in a number of colonial case studies.

The student cohort at the start of the module had a very individualistic understanding of racism, largely based on their own, their families’ and their friends’ experiences in contemporary Birmingham. To engage with the module’s case studies, it was necessary for students to develop an understanding of how structural racism was deployed by elites to facilitate the governance of empire.⁴¹ The societies colonialism created were inherently racist and understanding how penal law functioned within colonial spaces required students to explore how this racism operated. ‘Race’ was central to colonial law and justice and as Bal Tilack, the radical Indian nationalist, observed ironically in 1907, the “goddess of British Justice, though blind, is able to distinguish unmistakably black from white”.⁴²

³⁴ William J. Chambliss and Milton Mankoff, (eds.) *Whose Law? What Order? A Conflict Approach to Criminology* (Wiley, 1976)

³⁵ Jerome Michael and Mortimer Adler, *Crime, law and social science* (Harcourt, Brace 1933) p.5

³⁶ Raffaele Garofalo, *Criminology* (Little, Brown, and Company, 1914) pp. 4, 5. Emphasis in the original.

³⁷ Ibid, p.59

³⁸ Stanley Cohen, ‘Human Rights and Crimes of The State: The Culture of Denial’ [1993] *Australian & New Zealand Journal of Criminology* 26 [2]; Tony Ward, ‘State Harms’ in Paddy Hillyard and others (eds.), *Beyond Criminology: Taking Harm Seriously* (Pluto Press, 2004)

³⁹ Herman and Julia Schwedinger, ‘Defenders of Order or Guardians of Human Rights?’ in Ian Taylor, Paul Walton and Jock Young (eds) *Critical Criminology* (Routledge & Kegan Paul, 1975) p. 148

⁴⁰ John Muncie ‘Defining Crime’ in John Munchie and Eugene McLaughlin, *The Problem of Crime* (Sage, 2001); Steven Jones, *Criminology* (Fifth edition, Oxford University Press: 2013); Paddy Hillyard and Steve Tombs, ‘Beyond Criminology’ in Paddy Hillyard and others (eds.), *Beyond Criminology: Taking Harm Seriously* (Pluto Press, 2004)

⁴¹ Patrick Wolfe, *Traces of History: Elementary Structures of Race* (Verso, 2016)

⁴² Cited in Elizabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge University Press, 2010) p. 4

Teaching the module as a white man from a privileged position, and with a personal history connected to the legacy of empire,⁴³ it felt inappropriate to lecture my students about 'race', when, for so many of them, it was a lived experience.⁴⁴ Therefore, in approaching 'race', the starting point was the students' own understandings and their experiences of racism. From this foundation, students were asked to engage with two contemporary authors' autobiographical accounts of their experiences of racism and how they had attempted to place their individual experiences in the historic context of the structural racism of the British Empire.⁴⁵ These accounts provided the bridge from which we could move from students' individual experiences to exploring the theoretical literature on 'race' and racism. This was introduced initially through videos; Stuart Hall talking about 'race' as a floating signifier and Patrick Wolfe's comparison of colonial and racial regimes.⁴⁶ By watching these as a class, discussions could both focus on understanding Hall and Wolfe's arguments and relating them back to both students' own lived experiences and the central role of 'race' to colonialism.⁴⁷

The first case study considered by the class was *Not a Crime? The Atlantic trade in enslaved Africans*. Our starting point was the legality of chattel slavery in the Americas and the challenge this presents to us as criminologists. This topic was also introduced through videos, with the students watching episode two of David Olusoga's documentary *Black and British: A Forgotten History*, to provide an introduction to the scale and nature of the Atlantic Trade in enslaved Africans as well as highlight Britain's central role in it.⁴⁸ The second video was the interactive *The Atlantic Slave Trade in Two minutes* which we watched and interacted with in class.⁴⁹ This graphically illustrated the sheer scale of the enterprise and by freezing it at various points we were able to click on any of the multitude of dots – all of which represented a crossing – and identify individual ships, their nationality and the

⁴³ My childhood was largely spent in former British colonies where my father was posted by the British Foreign and Commonwealth Office.

⁴⁴ One of the journal's anonymous reviewers highlighted that this article was about 'a white man ... offering a decolonised curriculum' raising the question: 'Can white men decolonise the curriculum'? This requires an article if not a book to answer satisfactory. However, it is worth noting here that whilst the academy in the UK is disproportionately white and non-white scholars are subject to widespread and structural institutional racism the issues of diversity and developing emancipatory curriculums are distinct, if inter-related, projects. The danger of relying on increased diversity to decolonise the curriculum is that within the neo-liberal university, like other institutions, diversity is often 'a strategy designed to ensure that the institution functions in the same way it functioned before, except now that you have some Black and Brown faces.' (Angela Davis in Maddi Eckert, 'Civil Rights leader Angela Davis speaks at Bovard' (2015) *Daily Trojan* online at: <http://dailytrojan.com/2015/02/23/civil-rights-leader-angela-davis-speaks-at-bovard/>). Furthermore, anti-racist interventions within universities (of which introducing a post/de- colonisation perspective is one part) must not be 'left' to non-white students and academics.

⁴⁵ Akala, *Natives: Race and Class in the Ruins of Empire* (Two Roads, 2018); Reni Eddo-Lodge, *Why I'm No Longer Talking to White People About Race* (Bloomsbury, 2018) [Particularly chapter 1, 'Histories'].

⁴⁶ 'Race, the Floating Signifier: Featuring Stuart Hall' *YouTube* <<https://youtu.be/bMo2uiRAf30>> accessed 26 October 2019; 'Patrick Wolfe - Comparing Colonial and Racial Regimes' *YouTube* <<https://youtu.be/xwj5bclG8ic>> accessed 26 October 2019

⁴⁷ To consolidate this session a range of further readings were digitalised for the students, these included: Aimé Césaire, *Discourse on Colonialism: A poetics of anticolonialism* (Monthly Review Press, 2000); Reni Eddo-Lodge, *Why I'm No Longer Talking to White People About Race* (Bloomsbury, 2018); Frantz Fanon, *Black Skins, White Masks* (Pluto, 1986); Peter Fryer, *Black People in the British Empire: An Introduction* (Pluto, 1989); Paul Gilroy, *there Ain't No Black in the Union Jack* (Routledge, 2002); Edward W. Said, *Orientalism* (Penguin, 2003); Stuart Hall, *The Fateful Triangle: Race, Ethnicity, Nation* (Harvard University Press, 2017); Patrick Wolfe, *Traces of History: Elementary Structures of Race* (Verso, 2016).

⁴⁸ 'Freedom' Episode 2 of *Black and British: A Forgotten History* BBC 2 Television, 16 November 2016.

⁴⁹ Slate, *The Atlantic Slave Trade in Two Minutes* Available at: <http://www.slate.com/articles/life/the_history_of_american_slavery/2015/06/animated_interactive_of_the_history_of_the_atlantic_slave_trade.html> (accessed: 29 October 2019)

number of enslaved Africans they transported. This provided a powerful tool for identifying Britain's central role in the business. I have deliberately used words like 'enterprise' and 'business' in this article, as I did in the class, to stress the commercial nature of the trade in enslaved Africans and throughout the session, I continued to emphasise its centrality to the economies of Europe and the Americas. In particular we looked at the wealth it created for Britain. The students, unsurprisingly, regarded the trade as a 'crime against humanity'. Whilst it was, it was not a 'crime' in law and this required us to consider, however abhorrent we may have found it, what its legality (and the vigorous protection the law gave it) says about key concepts such as the law, 'crime', criminals and justice and how this impacts on us as criminologists. For those students interested in further independent study it was suggested they watch the other three episodes of *Black and British* and/or read the excellent accompanying book.⁵⁰

Our second case study was *Robbery with violence – the mugging of India*. Prior to the class students read the first chapter of Shashi Tharoor's *Inglorious Empire*.⁵¹ In exploring the chapter, we referred back to the concept of 'crime' and the assumptions of criminology. The stereotypical robber is either an individual of low economic status, often Black, or possibly organised into a 'gang' or the Mafia. The Crown Prosecution Website defines robbery as an offence "committed when a *person* steals and immediately before or at the time of doing so, and in order to do so, he uses force on any person, or puts or seeks to put any person in fear of being then and there subject to force."⁵² This definition provided a basis for evaluating the conduct of firstly the East India Company and secondly the British state. Whilst we did, briefly, engage with apologists for British imperialism,⁵³ the history of British India demonstrated how powerful corporate actors and the state can engage in large scale robbery. Despite it being robbery, on a grand scale, we explored how these powerful interests used law, the concept of 'crime' and the power to punish to legitimise their harmful behaviours. Although this seminar had intended to focus on exploring economic exploitation, the students were extremely interested in the wider history of the sub-continent. In particular a number, whose families had Pakistani heritage, wanted to know more about Partition, a key legacy of colonialism. Several students subsequently researched the topic in some depth independently.⁵⁴

⁵⁰ David Olusoga, *Black and British a Forgotten History* (Macmillan, 2016)

⁵¹ Shashi Tharoor, *Inglorious Empire: What the British Did to India* (Penguin, 2016). To ensure students did the required reading I had distributed photocopies of the chapter in the previous class (and posted them to the two students who missed this class). Giving the students a hard copy of the chapter proved to be a highly effective way of ensuring the necessary preparatory material was read.

⁵² CPS 'Theft Acts' Crown Prosecution Service <<https://www.cps.gov.uk/legal-guidance/theft-act-offences>> (accessed: 29 October 2019)

⁵³ For example, Adrian Lee, 'The Remarkable Raj: Why Britain should be proud of its rule in India' (*Daily Express Online* 22 June 2013) <<https://www.express.co.uk/news/uk/409374/The-Remarkable-Raj-Why-Britain-should-be-proud-of-its-rule-in-India>> (accessed: 29 October 2019).

⁵⁴ To allow students to research independently the following further resources were made available: Clare Anderson, *The Indian Uprising of 1857-8: Prisons, Prisoners and Rebellion* (Anthem Press, 2007); Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Berg: 2004); Mark Brown, *Penal Power and Colonial Rule* (Routledge, 2014); Patha Chatterjee, *The Black Hole of Empire: History of a Global Power*, (Princeton University Press, 2012); Elizabeth, Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge University Press, 2010); Henry Schwarz, *Constructing the Criminal Tribe in Colonial India: Acting Like a Thief* (Wiley Blackwell, 2010); Satadru Sen, *Disciplining Punishment: Colonialism and Convict Society in the Andaman Islands* (Oxford University Press, 2000); Satadru Sen, *Disciplining Natives: Race, Freedom and Confinement in Colonial India* (Primus Books, 2012)

The next case study was *Genocide: The Experience of Australia's Indigenous Peoples*. In preparation students were asked to watch John Pilger's film, *Utopia*.⁵⁵ This was chosen because I wanted the class to not only explore how British settlement of what is now known as Australia impacted on the continent's indigenous peoples, but also how this affects Aborigines' experience of criminal justice today. The United Nations (UN) defines genocide as:

... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group.⁵⁶

In the class we looked at how the colonisation of Australia fell within the UN's definition and explored how the criminal law was written and enforced (or not) to facilitate this genocide. We explored how racism and concepts of 'race' were utilised to justify genocidal policies and discussed the ways these ideas continue to influence both criminal justice policy and practice. We explored an interactive map of frontier massacres from the late eighteenth to the early twentieth centuries.⁵⁷ We also looked at the massive over-targeting and over-representation of Indigenous peoples in the criminal justice systems of Australia and other settler colonies today.⁵⁸

⁵⁵ *Utopia* [Online] John Pilger, Australia, (Network Releasing, 2013) <<http://johnpilger.com/videos/utopia>> (accessed: 29 October 2019). The film is long, nearly two hours and only about a half watched it to the end.

⁵⁶ 'Genocide' *United Nations* <<https://www.un.org/en/genocideprevention/genocide.shtml>> (accessed: 29 October 2019).

⁵⁷ Centre for 21st Century Humanities, 'Colonial Frontier Massacres in Central and Eastern Australia, 1788-1930' *University of Newcastle* online at: <<https://c21ch.newcastle.edu.au/colonialmassacres/map.php>> (accessed: 29 October 2019)

⁵⁸ Harry Blagg, 'Colonial Critique and Critical Criminology: Issues in Aboriginal Law and Aboriginal Violence' in Thalia Anthony and Chris Cunneen (eds.) *The Critical Criminology Companion*, (Hawkins Press, 2008); Chris Cunneen, 'Indigenous Incarceration: The Violence of Colonial Law and Justice' in Phil Scraton and Jude McCulloch (Eds.), *The Violence of Incarceration*, (Routledge, 2009)

In addition, *The Guardian* was, at the time the module was running, reporting on a number of historic and contemporary cases/issues directly relevant to this unit. 'Indigenous investigations' *The Guardian Newspaper* <<https://www.theguardian.com/australia-news/series/indigenous-investigations>> (accessed: 29 October 2019) Resources for further research provided were: Thalia Anthony, *Indigenous People, Crime and Punishment* (Routledge, 2013); Stuart Banner, *Possessing the Pacific: land, settlers and indigenous people from Australia to Alaska* (Harvard University Press, 2007) [In particular chapter 1, 'Australia: terra Nullius by Design']; Chris Cunneen, 'Postcolonial Perspectives for Criminology', in Mary Bosworth and Carolyn Hoyle (eds.) *What is Criminology?* (Oxford University Press, 2011). Ian Heron, *Britain's Forgotten Wars: Colonial Campaigns of the 19th Century* (Sutton Publishing, 2003) [In particular chapter 12, 'The Black War – Tasmania, 1824-1830']; Asafa Jalata, 'The Impact of English Colonial Terrorism and Genocide on Indigenous/Black Australians' Sage Open <<https://journals.sagepub.com/doi/full/10.1177/2158244013499143>> accessed 26 October 2019; Christopher Mattingley and Ken Hampton, *Survival in our own land: "Aboriginal" experiences in "South Australia" since 1836* (Hodder & Stoughton, 1988); Russell McGregor, *Imagined destinies: Aboriginal Australians and the doomed race theory, 1880-1939* (Melbourne University Press, 1997); Juan M Tauri (2018) 'The Master's Tools Will Never Dismantle the Master's House: An Indigenous Critique of Criminology' *Journal of Global Indigeneity* Vol. 3, No. 1, Online at: <<http://ro.uow.edu.au/jgi/Vol3/iss1/6>> (accessed: 29 October 2019); Juan M Tauri, 'Indigenous perspectives and experience : Maori and the criminal justice system' in T. Bradley, & R. Walters (Eds.), *Introduction to Criminological Thought* (3rd ed.).(Pearson Education, 2019);. Patrick Wolfe (2006) 'Settler colonialism and the elimination of the native' *Journal of Genocide Research*, Vol. 8, No. 4. pp. 387-409

The next unit was entitled *(Dis)order & (In)justice I – Morant Bay, Jamaica, 1865*. In preparation students were asked to watch a brief film 'Morant Bay Rebellion' and an article by Jake Cavanaugh, 'The Cause of the Morant Bay Rebellion: 1865'.⁵⁹ From the start of this workshop it was clear that the students were struggling to contextualise Morant Bay. This required a brief review of the history of the island, its colonisation; the genocide of its indigenous population (which linked back to the previous class); the introduction of large-scale cultivation of sugar cane and the resultant introduction of indentured Irish, Welsh and English labour, and subsequently, on a far greater scale, enslaved Africans. We then discussed the history of the resistance of enslaved Africans, including the 1831 Baptist War, and how the institution of slavery was maintained both through brutality and the construction of a legal framework empowering whites to maintain their dominance through legalised violence. The role of resistance in the abolition of slavery was explored. We then discussed post-emancipation Jamaican society, and how it remained unequal and fundamentally unjust and how the emancipated Black population continued to face discrimination, exclusion from political power and poverty. It was this injustice and the frustration of attempts to raise the Black population's grievances through official channels that provided the background to Morant Bay.⁶⁰ This exploration of the Island's history prior to 1865 took up most of the class and highlighted that I had presumed far too much prior knowledge.⁶¹ As a result of this discussion we resolved as a class to visit the International Slavery Museum in Liverpool. This visit took place a fortnight later.

The visit to the International Slavery Museum in Liverpool, occurred in the ninth of the twelve weeks of the module. The trip provided an additional way for students to learn about the subject and an opportunity for conversations during the four hours we spent on the train. At this point students were working on their essays and it was particularly productive to talk about these in small groups. The experience of the visit was very positive and complemented the videos and readings we were using on the module. A further unit exploring the resistance of the colonised and the response of the British State, *(Dis)order and (In)justice II – Torture, Concentration Camps and the Noose in Kenya, 1952-1960*, had to be cancelled for personal reasons. Students were given access to the resources prepared for their own research.⁶²

The final workshop was entitled: *Crime, punishment and justice in the British Empire: What is the relevance today?* Students were asked to return to the Akala book to read the chapter 'Police, Peers

⁵⁹ IMJamaica 'Morant Bay Rebellion – History Uncovered' <<https://youtu.be/BEH7fBz4K00>> (accessed 29 October 2019); Jake Cavanaugh, "The Cause of the Morant Bay Rebellion: 1865," University of Miami Digital Collections (University of Miami) <<http://scholar.library.miami.edu/emancipation/jamaica4.htm>> (accessed 29 October 2019)

⁶⁰ David Olusoga, *Black and British: A Forgotten History* (Oxford University Press, 2016)

⁶¹ Further resources provided for this unit were: Sheena Boa, 'Discipline, reform or punish? Attitudes towards juvenile crimes and misdemeanors in the post-emancipatory Caribbean, 1838-88' in Gad Heuman and David V Trotman, *Contesting Freedom: Control and Resistance in the Post-Emancipatory Caribbean* (Macmillan Caribbean, 2005); Ian Heron, *Britain's Forgotten Wars: Colonial Campaigns of the 19th Century* (Sutton Publishing, 2003) [In particular chapter 4, The Jamaica Rebellion, 1865]; R.W. Kostal, *A Jurisprudence of Power: Victorian Empire and the Rule of Law* (Oxford University Press, 2005); David Olusoga, *Black and British: A Forgotten History* (Oxford University Press, 2016); Diana Paton, *No Bond but the Law: Punishment, Race and Gender in Jamaican State Formation, 1780-1870* (Duke University Press, 2004); Diana Paton, 'Popular and official justice in post-emancipation Jamaica' in Gad Heuman and David V Trotman, *Contesting Freedom: Control and Resistance in the Post-Emancipatory Caribbean* (Macmillan Caribbean, 2005).

⁶² David Anderson, *Histories of the Hanged: Britain's dirty war in Kenya and the end of empire* (Phoenix, 2006); Caroline Elkins, *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (Henry Holt and Company, 2005); Frantz Fanon, *The Wretched of the Earth* (Penguin, 2001) [In particular chapter 1, 'Concerning Violence']; W.O Maloba, *Mau Mau and Kenya: An Analysis of a Peasant Revolt* (James Currey, 1993).

and Teenage Years’ and a paper I had written ‘Is the Empire coming home?’⁶³ The module, although historic, was intended to enable students to explore key criminological concepts and this session allowed students to relate the relevance of the historic content to contemporary criminal justice practice. Akala’s experiences as a Black boy could be linked to his analysis earlier in the book of colonialism. Evidence of the difference between those young men committing violent offences (predominately white) and those being identified by the police as gang members (predominately Black) suggested that the racism utilised in the governance of colonial populations directly shapes contemporary policing perceptions.⁶⁴ Akala’s experiences were replicated by class members and their family and friends’ experiences which suggests that the spirit of colonialism lives on in the stereotype of who is (and isn’t) a criminal. This we found backed up the evidence collected by David Lammy in his review of the criminal justice system’s treatment of non-white people.⁶⁵ It also suggested the problem was more fundamental than Lammy’s analysis suggested, and this led to a discussion on why Lammy’s recommendations would probably fail.⁶⁶

Whilst in the sections above I have focused predominately on the module’s curriculum, I hope they have also illustrated the pedagogic approach used throughout its delivery. As Richard Hoggart has argued “in a university, knowledge and teaching must be intertwined”, and this was reflected in the role of my research in this module.⁶⁷ Also underpinning my approach was my strong belief that effective formative education is grounded in the way a teacher behaves with their students, how they make contact, how they listen and how they respond to students’ contributions. My pedagogic practice seeks to create an engaging learning environment that extended well beyond the classroom and develops relationships of trust and respect. Drawing on Freire’s (1996:85) concept of “problem-posing education” I sought to provide students with resources and opportunities to learn.⁶⁸ The module therefore included no formal lectures and was designed around a requirement to do either preparatory reading or watching, followed by workshops in which this preparatory material as well as

⁶³ Akala, *Natives: Race and Class in the Ruins of Empire* (Two Roads). A number of students had read the full book by this stage of the module; J M Moore, ‘Is the Empire coming home? Liberalism, exclusion and the punitiveness of the British State’ [2014] *Papers from the British Criminology Conference*, 14 <http://britsoccrim.org/volume14/pbcc_2014_moore.pdf> accessed 26 October 2019.

⁶⁴ Patrick Williams and Becky Clarke, *Dangerous associations: Joint enterprise, gangs and racism* (Centre for Crime and Justice Studies, 2016) online at <<https://www.crimeandjustice.org.uk/publications/dangerous-associations-joint-enterprise-gangs-and-racism>> (accessed 29 October 2019).

⁶⁵ David Lammy, *The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System* (Ministry of Justice, 2017) Online at: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf> (accessed 29 October 2019)

⁶⁶ In addition the following reading was provided for this unit: Judith Butler, ‘Endangered/Endangering: Schematic Racism and White Paranoia’ in Robert Gooding-Williams (ed.) *Reading Rodney King: Reading Urban Uprising* (Routledge, 1993); Paul Gilroy, *There Ain’t No Black in the Union Jack* (Routledge, 2002); Uzodinma Iweala, ‘What is the legacy of colonialism in Africa?’ *Big Think* <<https://bigthink.com/videos/what-is-the-legacy-of-colonialism-in-africa-3>> (accessed 29 October 2019); J M Moore ‘Built for inequality in a diverse world: The historic origins of criminal justice’ *Papers from the British Criminology Conference* (2016) Vol 16; Ash Sarkar Meets Akala, ‘Race and Class in the Ruins of Empire’ *Novara Media* <<https://youtu.be/w303dRDpgRM>> (accessed 29 October 2019); Ash Sarkar meets Adam Elliot-Cooper, ‘The Police and State Power’ *Novara Media* <<https://youtu.be/3DpBqZM3NNI>> (accessed 29 October 2019); Patrick Williams and Becky Clarke, *Dangerous associations: Joint enterprise, gangs and racism* (Centre for Crime and Justice Studies, 2016) online at <<https://www.crimeandjustice.org.uk/publications/dangerous-associations-joint-enterprise-gangs-and-racism>> (accessed 29 October 2019).

⁶⁷ Richard Hoggart, *The Way We Live Now* (Chatto & Windus, 1995) p. 23

⁶⁸ Paulo Freire, *Pedagogy of the Oppressed* (Penguin Books, 1996) p.85

additional material was discussed.⁶⁹ This proved challenging for the students who initially struggled to participate. However, as the module progressed, participation improved, and student confidence grew.

The module was assessed by a 3,000-word essay (60%) and a ten-minute individual presentation (40%). Both had to be based on the same research and answer one of two questions

- Critically evaluate the role of 'race' in the criminal justice system of a British colony
- Critically evaluate the concept of 'crime' in the context of the history of the British empire.

Both questions required students to draw both on the history of colonialism and their disciplinary knowledge. Neither could be answered purely based on the content of an individual unit and students were required to undertake significant independent research. To support students, in addition to in-class (and in-train) support and office hours, each had an individual tutorial to review a draft and, following the marking of the coursework, a further individual tutorial to discuss developing their presentation. The quality of the work produced was generally good, with some students producing exception work. This reflected both student interest and the extensive level of research undertaken. All students submitted their course work by the deadline and all, bar one who was ill, attended the presentations. All students passed the module.

Taking the Module – Student Perspectives⁷⁰

Five students were interviewed in late July/early August 2019 about their experiences of the module. The interviews were semi-structured and lasted between 12 and 40 minutes. The interviews started by focusing on students' motivations for taking the module. The module was seen as "something new" and "one of the most interesting", whilst one respondent said they chose it because, "by year three you know what you're interested in". Three specified a general interest in history, including one whose interest was clearly linked to the module's colonial focus, for her it was "kinda personal – getting fed up of the course – with racism – I wanted to know about the history. My parents are Jamaican." The remaining two students both also spoke about the importance of this focus, one "wanted to learn

⁶⁹ Although this pedagogy, and in particular the decision to not deliver lectures, was adopted for this module it recognises that it is not appropriate to all modules. On the wider debate concerning the appropriateness of the traditional lecture (see, for example, Sarah French and Gregor Kennedy 'Reassessing the value of university lectures', [2019] *Teaching in Higher Education*, 22(6), pp. 639-654) I remain agnostic.

⁷⁰ As I had taught all the students interviewed, this research should be considered as insider research. Whilst my insider knowledge and my access to participants placed me in a unique position to undertake this research, it was also possible my position of power could distort students' answers [for a discussion on these issues see Carol Costley, Geoffrey C Elliott and Paul Gibbs, *Doing Work Based Research: Approaches to Enquiry for Insider-Researchers* (London, 2010)]. To minimise these risks, all interviews took place after students had graduated (the one student who had outstanding work in another module was excluded). All the 12 students who had completed their studies were contacted, and seven students agreed to be interviewed. Two did not attend and limited time, and the quality of the data provided by the other five, meant they were not chased up and included in the research. Whilst I hope that my relationship with students would have allowed them to be entirely frank in their answers it is likely their responses were at least partly shaped by the fact that they were being interviewed by the lecturer who had designed and taught the module that they are were being asked about.

more about British Empire, about India” whilst the other “used to work with a guy from India and we had spoke about his history.”

In terms of expectations, it was clear the students had not thought that deeply about the content in advance. One focused on the challenge, reporting they had “expect(ed) it to be hard, (involving a) lot more independent study”, another, whilst having “no real expectations, wasn’t expecting it to cover so many parts of the world.” One student however had a clear expectation, they wanted: “More of an understanding, behind why it happened, what happened and why it wasn’t criminalised, and we now don’t take responsibility for what we did ... How and why it was acceptable at the time?”

All the respondents reported that they had not been familiar with the history covered in the module. Whilst they were “aware of some things” it was very superficial with another student commenting: “Stuff like the slave trade, you know it happened, you don’t how it happened, you don’t know basic stuff of why it happened, how it started, how serious it got”. Another “wasn’t aware of the British empire in India”, and felt the module had allowed her “to develop understanding of my family’s history.” For one student although “history at school was interesting”, it was “never as far back as what we did”. Two other students referred back to their studying of history at school. One reported that “we get taught stuff that happened in Germany, the Holocaust and stuff, don’t really hear about this stuff” and another observed “when you study history – you don’t get to focus on those countries.” Across all the interviews it was clear that respondents recognised that their knowledge of colonial history had been partial and shallow, a position summed up by one student’s observation that “talking to other members of the class, we were so oblivious to our own history.”

All the respondents reported finding the module interesting with two claiming it was “fun”. Three reported specifically that their developing interest in the topic resulting in high levels of engagement in independent research; “fully read around the topic”, “went out to buy books”, “I bought *Inglorious Empire*”. One student identified the trip to Liverpool as the point when she really became “intrigued” by the subject matter. The breadth of topics covered was viewed positively, with one participant observing that “all (the) case studies (were) interesting and different, each topic was unique”. One student highlighted “the link with crime theory” that ran through the module and how this was particularly interesting. Another felt that in her experience “lecturers hold back sometimes” but in this module she had been “surprised about how brutally honest it was”. It had shown “how violent the past was and how dehumanised it was” and the student was “glad we got to look at it in such an honest way.”

Students had mixed feelings about how the module was delivered, and particularly the absence of lectures. One student reported this approach was “at first very boring”, but then “when we got into it, it was very interesting”. They appreciated that it was “not just facts thrown at us” and observed that “you helped us understand it more by giving us documents and stuff to read.” Like two other students she highlighted the impact that reading *Inglorious Empire* had had on her. Whilst another student asserted that “I personally prefer being taught things, rather than a discussion” she conceded by her third year she was not regularly attending classes, preferring to rely on lecturer’s PowerPoint slides. Their absence on this module, she reported, “made me come in more”. This style of learning meant that “our notes were unique”. For her the key to the module’s success was being “taught by someone who is also interested in the topic, ... you showed you cared as much as we should.” All students acknowledged the difficulties they had experienced with the participatory nature of workshops and, whilst they in general understood what I was doing, conceded that “we didn’t really talk much.” As one student observed, “we are just used to copying the notes” before saying she was “grateful” for the approach, as without it she “wouldn’t have had to read so much.” Two students did not identify any benefit, with one highlighting the “lack of presentations” as a major weakness.

Without PowerPoints, classes were “just looking through books”, something that was “just too boring”. The other student was convinced that there had been PowerPoint lectures throughout the module. In the interview I was unable to convince her that there were in fact none.

Overall the students were positive about how the module was assessed. For one student, the “essay (was) quite hard, we had to get a lot in, really needed to read lots”, whilst another appreciated there was no specified essay structure, which although this was “challenging”, it was “nice to have that freedom”. One student noted how the essay allowed students to “reflect back to other modules” and “think again about things”. The choice of two questions was appreciated with one student who selected the ‘race’ option observing that “if we only had the ‘crime’ option, I would have been less interested.” The requirement to present based on the essay was seen as a “really good way of assessing us”, with some reporting a preference for coursework over presentations and some an opposite preference, it was seen as “really fair”. One student identified that “presentations allow you to learn from other students ... how they have understood things”, identifying their role for cohort learning as well as assessment. Her experience had been that “sometimes a lecturer can present things, but it is difficult to understand, ... (whereas) when someone else simplifies it you get it”. She suggested that consideration should be given to, after marking, sharing the coursework as well.

Only one student was unable to identify ways in which the module had been relevant to them personally. For the other four there was clear relevance. One reported “I didn’t know much about India and Pakistan, my parents come from Pakistan” whilst another reported being able to participate when her “Dad & Uncle discussed Partition”. Another reported talking about India to her (white British) grandmother, who “didn’t even believe me, so I said, ‘read this (a chapter from *Inglorious Empire*), it did happen’”. Another student felt it had shown how the British empire “has shaped our country” whilst for another who described herself as white British, it had “opened my eyes” and that, unlike many (post)colonial subjects, she has been able to “keep my own name, keep my own language”. For another student the module’s content was:

Very relevant ... we are still dealing with ‘race’ issues in the criminal justice system ... for me personally it really hit home, my brother gets stopped and search a few times when I was away at university ... it is close to home, it became really important for me ... ‘race’ isn’t scientific ... this was really personal ...

All the students felt that, to some extent or other, the module had impacted on their wider understanding of the subject of criminology. One student reported that it had “helped me understand law” and that it was “so important to recognise actions that are not deemed criminal”. Another observed that “criminology is about crime and in this module, we had to define crime”, the module had made them “criticise things and analyse things more”. A number reported that it had made them rethink their understanding of ‘crime’ with one observing “enslaved Africans were property; it makes you think about property crime in a really different way.” Students had clearly understood the module’s link to criminological theory. One student observed that “some of the theories are quite old” and the module “provided the historical background to the time that people who wrote many of the criminological theories lived” allowing her “to interpret (these) theories in a different way”.

Most of the students reported that they had not used the material from the module in their subsequent studies. This was unsurprising given how late in the programme it was delivered with, for example, one student reporting that “other modules (were) so different”. One student did, however, report that in another assignment,

I was discussing about being British and white, and how that can benefit me really, and I used some of the books to talk about white power, and how that, like being white benefited me, and how you can't change anything without acknowledging your own power in society.

Overall, the students felt positively about the module and the content. The main concern was the struggle they had experienced with participating. Whilst this was perceived to be largely a problem extending beyond this module, several suggestions were made. Firstly, it was felt it was important not to "just dive in" on topics and supply more background information. One suggested that an online lecture, in advance of classes, that provided background information to the workshop topic would be helpful. Secondly, the provision of photocopied handouts of relevant chapters and other resources were regarded as a positive aspect of the module and two students asked if this could be extended. Thirdly, students felt a larger proportion of class time should be allocated to 'teaching' with the workshop approach modified. Finally, students suggested that there should be more visits and they should occur earlier in the schedule. The overall critique of the module was positive with one student reporting it "was a great module" and another that it was "my favourite module, engaged in it, really enjoyed it."

Conclusion – A decolonised curriculum is more than a module.

The module largely met its four key objectives. The history of the British empire proved to be an effective tool for critiquing key criminological concepts. Students recognised the weaknesses in criminologists' attempts to develop sociological definitions of 'crime'. In their coursework most students concluded that 'crime' was essentially a legal construct which bore no direct relationship to notions of human rights or harm. Students' understandings of 'race' and racism had, by the end of the module, changed in response to their exposure to colonial history. Whilst their understandings continued to be linked to their personal experiences, they were able to locate these in the context of structural racism. They also had new tools with which to explore how non-white people experience criminal justice in Britain today. By seeing state power being imposed on colonised society from the outside, students were able, in their coursework, to demonstrate a distinction between the state and the society it governs. The curriculum was perceived by all students as relevant. For white students, the colonial context made explicit the 'whiteness' that generally lies hidden in the curriculum. For non-white students the module linked their studies to their family histories and provided intellectual tools to understand their own life experiences, both in general and in relation to the criminal justice system.

Whilst the module met its key objectives and introduced a (post/de)colonial perspective into the programme it should not be regarded as the successful decolonisation of a criminology degree. For the reasons set out above, criminology has a 'colonial problem'. The discipline's intimate relationship with the state, colonialism and racism means that further work is needed to establish if criminology can be decolonised. If it can, a complete overhaul of the curriculum will be required. This will involve teaching the history of criminology (and its links to colonisation/racism); introducing non-western epistemologies relating to harm and conflict resolution, developing a theory of the state, exploring the colonial roots of the institutional racism of criminal justice institutions, and recognising that 'crime' is simply a legal construct. Most of all it will require acknowledging that 'criminal man' and 'criminal woman' are nothing more than a pseudo-scientific invention in the service of power.