

Introduction: Legacies of Empire

Lynsey Black 
Maynooth University, Ireland

Lizzie Seal
University of Sussex, UK

Florence Seemungal
University of the West Indies Open Campus, Trinidad and
Tobago

Bharat Malkani
Cardiff University, UK

Roger Ball
University of the West of England, UK

Keywords
southern criminology, postcolonial, decolonial, empire

Punishment & Society
2021, Vol. 23(5) 609–612
© The Author(s) 2021



Article reuse guidelines:
sagepub.com/journals-permissions
DOI: 10.1177/14624745211040652
journals.sagepub.com/home/pun



This special issue of *Punishment & Society* examines the global legacy of empire and colonialism through its effects on the penal regimes and practices of former colonies. The seven articles herein explore the historical patterns of colonial penal journeys as well as their contemporary manifestations. The contributions capture the necessary interdisciplinary scope of such investigations, bringing together diverse perspectives from which to interrogate punishment and the legacies of empire.

The production of ‘knowledge’ in the Global North has been critiqued as the production of a largely Anglophone and Eurocentric knowledge, one presumed to have a universal application (Connell, 2007). This special issue seeks to ‘decentre’ the Global North through the inclusion of the historical and contemporary legacies of the expression of penalty in different postcolonial settings. Colonisation bequeaths

Corresponding author:
Lynsey Black, Maynooth University, Ireland.
Email: lynsey.black@mu.ie

physical, institutional and symbolic infrastructures, ways of thinking and acting that were formed prior to independence and which in turn influence and entwine with post-independence developments. We know that empire relied on penalty to subdue and manage subjugated populations and territories (Sherman, 2009). The authors featured here explore in different ways how this penalty continues to make itself felt today.

For scholars of crime and punishment, greater commitment than ever is necessary to engage with perspectives that critique the colonial past and use this awareness to recognise global inequalities in the present. As Ciocchini and Greener (2021) recently argued, we must recentre 'Empire' in our criminologies, including seeing the contemporary forms that imperialism may take and the global consequences of this for crime, criminal justice and punishment. As guest editors, we sought to position the special issue in relation to such arguments, and within growing awareness of the histories of colonialism and calls internationally to decolonise our disciplines. The special issue therefore aims to further the democratisation of criminological knowledge and to create a space for voices that embrace southern criminological, decolonial and postcolonial perspectives. For Carrington et al. (2018), southern perspectives offer a form of 'cognitive justice'. The special issue speaks to this need for 'cognitive justice', through its commitment to critical questions of state power in southern spaces and the crafting of such power within an imperial world.

Decolonial, southern and postcolonial perspectives certainly should analyse the patterns and experiences of violence in colonial penalty. Colonialism imposed legal codes, habitualised institutional forms and racialised practices of state violence which continue to shape the world today. The literature has revealed the extent to which the violence of the colony was viewed as 'exceptional' violence, inflicted on the bodies of 'Othered' peoples (Pierce and Rao, 2006). Criminal justice was exercised as a tool of imperial expansion and consolidation. Decolonial, southern and postcolonial perspectives work to explore these histories through their contemporary legacies. The contributions to this special issue address, in different ways, this accretion of history and the remnants (or continuing structures) of Empire within the contemporary penalty of the post-colony.

Michael Adorjan, Paul Vinod Khiatani and Wing Hong Chui explore the emergence and consequences of localism in contemporary Hong Kong, presenting a framework grounded in postcolonialism to make sense of the protests and policing around the 2020 National Security Law. The authors suggest that a determined attempt to foster localism during late-stage British colonialism now fuels a committed sense of place. The incomplete decolonisation of this localism, alongside the recolonisation of the colonial legacy of crime control, informs the contested contemporary dynamic. The authors deftly explore the paradoxical and contested postcoloniality of Hong Kong, addressing issues of collective memory and complex nostalgias for a colonial past (often expressed by young persons with no living memory of this romanticised past).

In his contribution, Biko Agozino cautions that while the familiar story is of powerlessness as the taproot of deviance, it is *power* instead that incites and sustains deviance, deviance by both the powerful and the powerless. With this understanding, Agozino argues compellingly for reparative rather than punitive justice – for a focus on addressing

collective wrongs, not an obsession with punishing individual wrongdoers. Listing examples of reparations for historic wrongdoing, Agozino finds only racism standing in the way of a similar approach for the 'African Holocaust' of slavery and entreats criminologists to heed the call for reparations to Africans at home and in the Diaspora.

Smadar Ben-Natan proposes the 'dual penal empire' in her article, as an imperial corollary to Dubber's 'dual penal state' (2018). Under an imperial formation, dissent and repression are targeted and enemy penology is institutionalised in militarised 'emergency' statutes (for the emergency that never ends). Writing on Palestine–Israel, Ben-Natan follows the legacy of British imperial emergency legislation, drawing on unpublished archival material and crafting a clear case for the dual penal empire. Starkly illustrating the consequences of this, the article presents parallel cases which juxtapose the operation of the emergency law and the criminal law in the cases of two persons tried and convicted for terrorism offences under these contrasting and racialised formations.

Mark Brown, Vikas Keshav Jadhav, Vijay Raghavan and Mayank Sinha contribute to the punishment and society literature by travelling beyond the Global North's preoccupation with institutional carcerality, shifting focus from the 'carceral' to 'Southern penal spaces', attempting to reflect the distinctive nature of penal power in the Global South. Drawing on ethnographic fieldwork with nomadic hunting groups in India, the authors join the colonial inception and postcolonial adaptation of laws that imposed criminality as the birthmark of these communities, a legacy clear in the 'penal grip' in which these groups still find themselves. The authors advocate for release from entrapment and for the recognition of members of these communities as rights-bearing citizens.

In their article, Omar Khan and Sacha Darke consider the legacies of Portuguese colonialism in Brazil, following the metaphor of the 'just war' as waged on the enslaved, the racialised, those who posed a threat to the colonial order and, later, 'public enemies' deemed to pose a threat to elites. For the targets of this violence, they were/are always 'socially expendable'. Initially justified religiously, the structures of European supremacist ideology survived independence and underpinned attempts to 'whiten' Brazil, attempts given scientific gloss in the late 19th century and into the 20th century. The legitimate targets of the 21st century 'just war' continue to be the racialised and the marginalised, subject to hugely disproportionate arrest rates, police brutality and imprisonment.

Exploring the 'prison' within post-conflict societies and particularly in the context of urban change and planning, Shakirah Hudani writes of the Rwandan post-genocide prison as a problem-space through which to explore the issues presented in that country's transitional society. Locating the prison and punishment through colonial, postcolonial and post-genocide eras, Hudani demonstrates the extent to which both the prison and the city/society around it become manifestations of a post-genocide rebranding. The prison and the city are reconfigured as spaces of government master-planning which seek to modernise and impose order on perceived urban insecurity, displacing the social life which formed around these as it does so.

Annie Pfinst and Wangui Kimari, continuing an exploration of exclusion in the city, investigate the subjugation of residents of Nairobi's poor neighbourhoods, focusing particularly on the informal settlement of Mathare. The authors make clear the continuities

between the past and present, presenting visual linkages and finding plentiful contemporary evidence of the colonial techniques of oppression. Measures such as curfew, separation, containment and surveillance constitute an 'assemblage of punishment' that reflects a colonial legacy of emergency powers used by the British and demonstrates how the 'ruins of empire' live in the present (Stoler, 2016: 196).

Finally, we are hugely grateful to the editors of *Punishment & Society* for their support with this special issue and to the contributors for their thought-provoking and critical pieces.

Declaration of conflicting interests

The author declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

Funding

The authors disclosed receipt of the following financial support for the research, authorship and/or publication of this article: This work was supported by the British Academy (grant number BA IC3/100170, "Reforming British Law and Policy on the Global Death Penalty").

ORCID iD

Lynsey Black  <https://orcid.org/0000-0002-2852-7328>

References

- Carrington K, Hogg R, Scott S, et al. (2018) *Southern Criminology*. London: Routledge.
- Ciocchini P and Greener J (2021) Mapping the pains of neo-colonialism: A critical elaboration of southern criminology. *British Journal of Criminology*. Epub ahead 17 May 2021. DOI: 10.1093/bjc/azab041.
- Connell R (2007) *Southern Theory: The Global Dynamics of Knowledge in Social Science*. Crow's Nest: Allen and Unwin.
- Dubber M (2018) *The Dual Penal State: The Crisis of Criminal Law in Comparative-Historical Perspective*. Oxford: Oxford University Press.
- Pierce S and Rao A (2006) Discipline and the other body: Humanitarianism, violence, and the colonial exception. In: Pierce S and Rao A (eds) *Discipline and the Other Body: Correction, Corporeality, Colonialism*. Durham, NC: Duke University Press, pp. 1–35.
- Sherman TC (2009) Tensions of colonial punishment: Perspectives on recent developments in the study of coercive networks in Asia. *Africa and the Caribbean. History Compass* 7(3): 659–677.
- Stoler AL (2016) *Duress: Imperial Durabilities in our Times*. Durham, NC: Duke University Press.