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A Critical Appraisal of Responses to Māori Offending

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Abstract
This article critically analyses the role that criminological theory and specific policy formulations of culture play in New Zealand's state response to Māori crime. We begin by charting policy responses to the "Māori problem" during the 1980s to the 2000s, with a particular focus on policies and interventions based on theorising that Māori offending is attributable to loss of cultural identity, through to the current preference for risk factor and criminogenic needs approaches. The second part of the article critiques strategies employed by administrative criminologists who, in partnership with the policy sector, attempt to elevate their own epistemological constructions of Indigenous reality in the policy development process over that of Indigenous knowledge and responses to social harm.

Keywords
critique, interventions, Māori, offending, policy, administrative criminology

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A Critical Appraisal of Responses to Māori Offending

This article critically analyses the role that criminological theory and specific policy formulations of culture play in the New Zealand state's response to the over-representation of Māori in the criminal justice system. Part one provides an overview of the changing criminological explanations of, and responses to, Māori offending in New Zealand from the 1980s onwards and how these understandings extended colonialist approaches to Māori and crime into the neo-colonial context. In particular, we chart the shift in policy development from theorising Māori offending as attributable to loss of cultural identity to a focus on socio-economic and institutional antecedents and, finally, through the risk factors, assessment, and criminogenic needs approaches that have gained prominence in the current policy context.

In part two, the focus moves to the strategies employed by members of the academy to elevate their own epistemological constructions of Māori social reality within the policy development process. In particular, the critique scrutinises recent attempts to portray Indigenous responses to social harm as "unscientific" and, in part, responsible for the continuing over-representation of Māori in New Zealand's criminal justice system. The purpose of this analysis is to focus the critical, criminological gaze firmly on the activities of policy makers and administrative criminologists[1] in order to examine how their policies and approaches impact on Māori as an Indigenous people.

Responding to Māori Offending: An Overview

By the early 1980s, the level of Māori over-representation in the criminal justice system had reached a level that commentators equated to "considerable and ongoing over-representation" based upon population (McIntosh & Radojkovic, 2012; Quince, 2007). This "social fact" prompted a small number of dedicated, inter-agency policy projects[2] and the implementation of so-called Māori-specific interventions (see discussion below). Despite all this policy attention, the level and nature of Māori over-representation has remained high ever since. It is because Māori over-representation became a recognisable statistical issue and received considerable attention from policy makers from the 1980s through to the 2000s that we have chosen this period as the focus of our analysis. It is, after all, the period in New Zealand's criminal justice history that concerted efforts by policy makers to solve the so-called "Māori problem" were finally made (Tauri, 2011a).

Explanations and Responses through the 1980s

Generally, responses by policy-makers and academics to Māori offending in the 1980s reflected the growing popularity of community-centred responses to offending in Western jurisdictions grappling

[1] The term administrative criminology is used to denote criminological research and theorising that is aimed at enhancing state knowledge of the social context (see Galliher, 1999; Hirschi, 1993). Tauri (forthcoming) argues that administrative criminological musings on Indigenous populations can be readily identified through key characteristics, including confining the focus of criminological inquiry to issues the state deems important, using state definitions of what constitutes crime, and demonstrating a preference for using methodologies that restrict contact with marginalised social groups.

[2] Since the mid-1990s, government agencies have initiated a number of inter-agency policy projects with the issue of Māori over-representation as a key focus. These include the Roffending by Māori (RoBM) project (1996-1999), Effective Interventions (2006-2008), and, most recently, Drivers of Crime (2008-ongoing).

with rising levels of crime amongst "lower class", new migrant, and First Nation populations (Tauri, 1996). A similar response was followed in the New Zealand context, although policy makers quickly came under criticism for excluding Māori values, practices, and philosophies (*tikanga*) during the development of ostensibly Māori-focused interventions (see Jackson, 1988). The 1980s saw Māori increasingly campaign for significant control of crime control interventions targeted at Māori offenders and victims. For example, the Ministerial Advisory Committee's (1986) review of the Department of Social Welfare, *Puao-Te-Ata-Tu*, criticised the state's delivery of programmes for Māori as ineffective and culturally inappropriate. One supposed community-centred initiative was the Departments of Māori Affairs, Social Welfare, and then Justice led *Mātua Whangai* initiative, which promoted developing community-led responses to offenders based upon *iwi* (tribe), *hapū* (sub-tribe), and *whānau* (family) practices (Department of Justice, 1985). However, Williams (2001) notes that Mātua Whangai underwent a number of changes after 1985 and, by the late 1990s, it had moved away from the original intent of developing Māori-community centred approaches to a limited service provision model that implemented departmental aims with programme contractors. These types of community crime prevention programmes incorporate features of what might loosely be called Māori responses to social harm, but the reality was the design and delivery of state-centred initiatives that "added" Māori cultural elements to existing intervention logic (Tauri, 1999; see discussion below).

While traditional Māori approaches to social harm were given some attention after the Department of Social Welfare review, Māori dissatisfaction with the state system failed to abate, as evidenced by the release of Moana Jackson's report, *Māori and the Criminal Justice System: He Whaipānga Hou,* in 1988. Jackson's (1988) report examined Māori interaction with the New Zealand criminal justice system through a three-year study involving interviews, focus groups, and *hui* (focus groups or community meetings) with a range of Māori, including police, correctional officers, policy workers, inmates, community workers, and academics. In his analysis, Jackson argued that Māori justice practices had been marginalised through colonial practices that imposed British law. He observed that Māori practices and philosophies were denigrated to the point where they no longer operated in many Māori communities to a meaningful extent. Jackson and his participants' analyses of crime were directed toward a range of antecedents, including a detailed examination of the marginalisation of Māori by government institutions, most notably from the social welfare and justice systems.

Māori who participated in Jackson's research argued that the criminal justice system reflects a *Pākehā* (European) theoretical and practice bias, and that this bias was evident in research into Māori criminal behaviour. It was suggested that policy makers and members of the academy did not consider Māori experiences of colonisation to a degree necessary for informing the development of effective policy. Policy makers were criticised for their tendency to assume that criminal behaviour by Māori could be dealt with in the same way as offending by other population groups. Furthermore, participants observed that Māori offenders in the criminal justice system had experienced poor education, difficulties within their family during their upbringing, long periods of unemployment, and other factors that increased the likelihood of offending behaviour. However, unlike other groups of offenders, for Māori, these issues were impacted by a history of marginalisation from New Zealand society through the process of colonisation. Participants argued that Māori social deprivations were the result of state policies that had negatively impacted on Māori social structures, through the active suppression of Māori culture, and their economic and political autonomy (see Walker, 1990). To understand Māori offending, Jackson (1988) argued that theoretical explanations and policy responses had to contextualise Māori experiences in relation to a history of colonisation:

> The monocultural basis of Pākehā research into Māori offending has prevented recognition of these socio-cultural dynamics and the appropriate mechanisms needed to understand them. This has resulted in a raft of "explanations" of Māori crime which reflect considerable monocultural and theoretical bias, but little effective explanation. Thus the Māori offender has merely been defined as an urban misfit, a cultural maladept, an educational retard, or the victim of behavioural labelling, while the socio-cultural forces underlying such descriptions have been largely unrecognised. (p. 26)

This emphasises the importance of understanding how colonisation shapes contemporary social relations and contexts, rather than limiting analyses to individual pathology decontextualised from the wider social relations in New Zealand society. Jackson (1988) believed Māori philosophies were relevant to understanding offending, and he argued that *tikanga Māori* would "… provide some insight into the complex questions of why some Māori men become criminal offenders and how the criminal justice process responds to them. It approaches the topic from within a Māori conceptual framework and seeks to explain Māori perception of the causes and consequences of criminal offending" (p. 17). Jackson hypothesised that a Māori system, based upon Māori values and authority to hear and respond, would be able to better address the Māori offending problem.

Overall, government ministers and policy makers have largely ignored Jackson and his research participants' argument for increased Māori jurisdictional autonomy. Instead, the primary policy response largely revolved around the controlled integration of "acceptable" Māori concepts and cultural practices into confined areas of the justice system (see Tauri, 2011b). For example, in reviewing *He Whaipānga Hou,* the Court Consultative Committee (1991) (comprised of the judiciary, lawyers, and community representatives) recommended to the then Minister of Justice that culturally appropriate responses to Māori offending were achievable through existing state mechanisms. The Committee expressly recommended against transferring criminal justice-centred processes into distinctly Māori settings. The Committee especially argued against *marae* (meeting houses) being used for court cases (thus ignoring evidence that historically Māori utilised marae as a site for dealing with social harm) (see Jackson, 1988). It was argued that court trials could not be easily transposed to the marae while ensuring the integrity of the state process remained "intact". However, officials did express the view that marae could play a minor role in the formal justice system through the delivery of community diversion and rehabilitative programmes designed by the state for the benefit of Māori offenders sometime in the future[3].

In contrast to the position taken by Jackson and his research participants, state officials made it clear that the only acceptable response to Māori concerns was for offending to be addressed through the *purposeful incorporation of Māori justice and cultural concepts into the justice system*, rather than a separate justice system or any meaningful form of jurisdictional autonomy (Tauri, 1999). For example, since the early 1990s government agencies within the justice sector have followed the firm policy of enhancing the responsiveness of state processes to Māori. The responsiveness strategy was

[3] The government's perspective changed recently with the introduction of Rangatahi (Youth) Courts in May 2008. The Rangatahi Court is, in essence, a Youth Court held on a marae with *te reo* (Māori language) and Māori protocols incorporated into the process. The purpose of the hearing is to monitor the young person's completion of his or her Family Group Conference Plan (Ministry of Justice, 2012). While the Rangatahi Court process signals a willingness on behalf of the New Zealand state to involve marae in the formal process, the extent to which it results in meaningful jurisdictional autonomy for Māori remains to be seen.

based around incorporating more Māori values into the justice system. The stated aims of the responsiveness strategy were to:

- Identify how to reduce Māori offending and victimisation;
- Focus on ways to be more effective in service delivery to Māori, and to actively encourage positive participation by Māori in such delivery;
- Explore the scope for greater diversity in dealing with Māori offenders (Justice Sector Policy Group, 1998.

In order to achieve the goals of the strategy, various Māori programme and provider developments were funded, and controlled, by policy makers. These initiatives were considered essential to enhancing relationships between the policy sector and Māori providers and communities. By the late 1990s, programmes with a specific Māori focus that were being supported or considered by the Ministry of Justice and Department of Corrections (via the Justice Sector Policy Group, 1998) as part of the responsiveness framework included:

- Iwi-based safer community councils;
- Community panel pilot diversion projects, such as *Te Whānau Āwhina*, that focused on offending by urban Māori;
- Māori focus units in prisons;
- Habilitation centres specifically focusing on Māori[4];
- A cultural perspectives unit within the department focused on developing Māori policy; and
- A bicultural therapy programme.

Through the responsiveness strategy developed during the 1990s, government officials drew a clear distinction between the Māori justice system advocated by Jackson and his participants and the preferred strategy of integrating "acceptable" elements of Māori culture into the state-dominated system. The strategy further sought to enhance the goals and status of the formal system through recruitment of more Māori into the justice sector. Officials also strove to achieve the goals of the strategy through enhancing officials' awareness of Māori culture, while purposefully avoiding significant alterations in either the structure or power dynamics of the formal system (Tauri, 1999). The New Zealand Police, for example, actively recruited more Māori officers and developed cultural awareness programmes as part of its responsiveness policy (Te Puni Kōkiri, 2002a). The Department of Corrections responsiveness policy was dominated throughout the 1990s (and early 2000s) by the introduction of supposed Māori therapeutic programmes, the development of a Treaty of Waitangi Strategy, and the signing of a small number of Memorandum of Understandings (MOU's) with specific iwi, which were designed to enhance relationships with Māori communities (see Department of Corrections, 2001a, 2002; Lomax, 1994).

The 1990s and Onwards

The 1990s onwards witnessed the development of more sophisticated, supposedly scientific approaches to the Māori problem, at least from a Eurocentric theoretical and practice-based position. For example, in 1998 the Department of Corrections Psychological Services introduced a rehabilitation initiative for Māori called the *Bi-cultural Therapy Model*. This model aimed to deliver

[4] The term habilitation centre referred to in-community therapeutic centres that would specialise in delivering "culturally appropriate" drug, alcohol, and violence-related treatment to Maori offenders.

psychological treatments to Māori offenders through incorporating elements of tikanga into (or more accurately onto) therapeutic interventions. In describing the initiative, the Department of Corrections (2001b, p. 10) noted that:

> Māori therapeutic programmes have been developed as "blended" programmes that incorporate tikanga Māori concepts alongside Western psychological concepts. These programmes provide a more focused analysis of how Māori tikanga and concepts relate to specific offending behaviour. (p. 10)

This development, however, does not alter the basic premise of attributing offending to individualistic pathologies. In reality, the treatment response has been adapted through the utilisation of Māori culture and tikanga within the rehabilitation process (McFarlane-Nathan, 1994, 1999; Nathan, Wilson & Hillman, 2003).

The development of Māori Focus Units can be attributed to this blended approach, with the first being in place by 1997 (Department of Corrections, 2001a). These units offer Māori inmates cultural instruction and *te reo* (Māori language) courses. The rationale from the Department of Corrections (2002) for developing these units was described as "…us[ing] Māori language and culture to create a change in the understanding, attitude and behaviour of Māori offenders" with a related "... commitment from participants to address the discrepancies between Māori tikanga and their current offending and lifestyle" (p. 21). Within Māori Focus Units, Māori therapeutic programmes have also developed into a cognitive group therapy intervention with added on Māori cultural components (Webb, 2012). In evaluating the programmes, the Department of Corrections (2009a) states that:

> The Māori Therapeutic Programme (MTP) is a group-based offender rehabilitation programme. The main purpose is to both encourage and enable the avoidance of new offending amongst participants. Currently, MTPs are delivered only within the MFUs. Led by experienced group facilitators, the MTP group meets several times each week over ten weeks to work through prescribed programme content. This content is similar to that used in existing mainstream rehabilitative programmes, centering on understanding the patterns of behaviour, emotion and interaction that lead up to "relapse" into new offending. Participants are taught social, cognitive and practical skills necessary to avoid such relapses. In exploring such issues, the MTP uses Māori cultural language, values and narratives to assist participants' learning and change.[5](pp. 6-7)

It is observable that, throughout the 1990s, psychological-based therapeutic treatments became ever more entrenched in New Zealand's policy response. The apex of this policy approach came with the development of the *Integrated Offender Management* (IOM) framework by the Department of Corrections in the second half of the 1990s (Newbold, 2007). Based on correctional policies imported from Canada, the IOM process, implemented in the early 2000s, sought to identify the

[5] There are new developments for Māori offenders in prison; *Whare Oranga Ake* Units or Kaupapa Māori Rehabilitation Units are being opened in 2011 and piloted on a limited basis. Designed as targeted pre-release rehabilitation initiatives for inmates in the final stages of sentences, it will be interesting in the future to consider the effectiveness of these initiatives for Māori inmates.

particular criminogenic needs of all offenders, including Māori, through applying diagnostic tools like the Criminogenic Needs Index (CNI). The importance of the risk and criminogenic needs paradigm to understanding and framing responses to individuals' offending behaviour is demonstrated in the Department's (2001a) report, *About Time - Turning People Away from a Life of Crime and Reducing Reoffending*, where it is argued that Māori offenders are more likely to be at-risk of offending from criminogenic needs.

Despite the fact that Corrections' documentation made it clear that criminogenic needs are observable in a range of offenders regardless of ethnicity (and regardless of social, familial or historical context), officials went about designing features to enhance service delivery specific to Māori. The most notable examples forged under IOM were the *Framework for Reducing Māori Offending* (FReMO) and *Māori Culture Related Needs* (MaCRNs) (McFarlane-Nathan, 1999). In Maynard, Coebergh, Anstiss, Bakker, & Huriwai's (1999) discussion of the MaCRNs assessment tool for Māori offenders, several cultural-related needs are identified, including cultural tension, whānau, and whakawhānaunga (kinship relations). Maynard et al. (1999) suggest that:

> Contemporary New Zealand society has developed primarily from Western/European-based norms, despite the fact that Māori are recognised as the *tangata whenua* [First peoples] of this country. Māori culture has been generally compromised and discouraged in the process of colonisation and it is likely that a number of stressors and/or tensions have developed in connection with differences in cultural values and beliefs both between Māori and non-Māori, and amongst Māori. Further, the lack of positive coping skills for dealing with such tension is likely to promote maladaptive responses which could include cognitions and behavioural patterns that increase the individual's risk of re-offending. (p. 50)

Although these officials argue that specific Māori needs exist, Māori offending is framed within a theoretical focus on individual thinking as explanatory of maladaptive behaviour. Thus, in the IOM policy context, we see components of Māori cultural practice grafted to a process based on individualistic theories of human behaviour, which has already explained offending as generated in negative emotions and anti-social thoughts (Webb, 2003). It is clear from the description of the MaCRNs that they were developed primarily to increase Māori responsiveness to psychological treatment interventions. This is evident when Maynard et al. (1999) wrote that "[t]he responsivity principle states that offenders will be most affected by interventions that are matched to their particular learning style…" (p. 44).

A 2005 Waitangi Tribunal[6] report into Māori cultural assessments provides insight into the development and limitations of the MaCRNs model. The Tribunal report identified that only a limited pilot study occurred prior to MaCRNs assessment being implemented nationally. The assessment tool for Māori "needs" was developed from a small sample before implementation, which illustrates the limitations inherent in the policy sector's strategy of integrating Māori knowledge frameworks in an ostensibly individualistic approach like the CNI. In this instance, the lack of wider

6 The Waitangi Tribunal was established by the third Labour Government (1972 - 1975) with the passing of the Treaty of Waitangi Act in 1975. The initial purpose of the Tribunal was to inquire into and make recommendations to the Crown, represented by the government of the day, relating to Māori claims against government actions that they believed contravened their rights under the Treaty of Waitangi from the date of the forum's inception (Catalinac, 2004; Gibbs, 2006). Later, in the mid-1980s, the Tribunal's jurisdiction was extended to receiving Māori claims going back to the signing of the Treaty of Waitangi in 1840.

engagement with Māori, as stipulated in the Treaty contract, and a breach of the "rules" of positivistic social science related to the establishment of validity and reporting of findings are evident. Three years after implementation, the Department of Corrections could "neither verify their soundness nor point to any quantifiable benefits that flow to Māori offenders who are assessed with MaCRNS" (Waitangi Tribunal, 2005, p. 151). Morrison (2009) noted that following the release of the Tribunal report, the Department of Corrections carried out an evaluation of the MaCRNs. The evaluation found that corrections staff underused the MaCRNs assessment tool. Furthermore, even when used, less than 20% of offenders assessed with MaCRNs then took up a culture-related activity as part of their offender management plan. Morrison (2009) observes that soon after this evaluation, the MaCRNs assessment process was discontinued. Similarly, in a review of the criminal justice sector's responsiveness to Māori, Te Puni Kōkiri (2002b) officials identified that the much publicised FReMO process was rarely used by policy workers in the Department of Corrections as designed. More often than not, FReMO was utilised *after* policy and interventions had been designed by policy workers. Taking both case studies into consideration, it is difficult to comprehend how some commentators have recently argued that these little used risk and needs assessment processes and Māori or Indigenous theories of, and responses to, criminality have come to dominate criminal justice policy making in the New Zealand context. It is to particular this issue that we now turn.

Critiquing Responses to the 'Māori Problem'

So far, this paper has charted the explanations of, and responses to, Māori offending from two related phases in the development of crime control policy in New Zealand. The distinctly Māori perspectives from the 1980s, culminating in the production of Jackson's (1988) report, identified a framework for addressing Māori offending through Māori centred and controlled responses. The idea of rebuilding and instituting Māori social control over offenders goes far beyond the implementation of rehabilitation programmes for Māori within the system. The period covered by the 1990s to 2000s, however, demonstrates that the state was much more comfortable with the strategy of incorporating elements of Māori cultural belief and practice into the existing system; a process that Tauri (1999) describes as the symbolic and physical *indigenisation* of New Zealand's criminal justice system. The responsiveness policy saw the recruitment of more Māori into the criminal justice system and the development of blended (psychology-based) interventions. This response clearly represented a rejection of Jackson's (1988) notion of a parallel Māori criminal justice system and the furtherance of the co-ordinated strategy of indigenisation through increasing the integration of Māori concepts into existing state processes.

Despite clear evidence to the contrary, some contemporary authors from the administrative criminological perspective argue that the period from the 1980s to the 2000s marked the transition in the Department of Corrections, and other crime control agencies, to adopting Jackson's ideas and those of other Māori practitioners and academics (for example see Marie, 2010 in New Zealand; and for similar arguments in Australia, Weatherburn, 2010; Weatherburn & Fitzgerald, 2006). Given the available literature, these commentators make the surprising assertion that the rehabilitation programmes received by Māori offenders are predominantly informed by this supposed new orthodoxy and focus mainly upon the concept of cultural identity deficit. Furthermore, it is argued that the dominance of so-called "Māori theory and interventions" presents a forceful explanation for the New Zealand states' failure to arrest Māori over-representation in the criminal justice system. In this last section, we wish to refute these claims and focus the critical gaze firmly on the dominance of Western theories and interventions in state responses to Māori over-representation.

Does Tikanga Māori Dominate the Development of Crime Control Policy in New Zealand?

The argument that tikanga dominates the development of crime control policy greatly exaggerates the authority given to Māori approaches to offending within the system, whether measured by legislative empowerment or the amount of resource targeted to so-called Māori initiatives. The purpose of this mythical construct appears to be to convince us that the development of effective solutions to the Indigenous problem has been hampered in neo-colonial jurisdictions by: (a) the rise of Indigenous cultural theory, (b) the biculturalisation of state policy, which led to (c) the policy sector in New Zealand "turning away from science" and embracing cultural perspectives to develop crime control policies for First Nations (see Marie, 2010; and also Weatherburn, 2010 in relation to the Australian context). For some practitioners of administrative criminology, this explains the predominance of policies and interventions geared to conferencing processes, circle sentencing, enhancing the cultural awareness of agents and agencies, and a focus on bias and institutional practice. Amongst these, Marie (2010) makes the specious claim that Māori theory dominates correctional policy development in the New Zealand context. To bolster this position, administrative criminologists offer misleading summations of Māori theories of social harm by arguing that cultural loss is presented in such theoretical frameworks as *the* key determinant of Māori overrepresentation in the justice system:

> A major assumption of this theory is that the contemporary overrepresentation of Māori in offending, incarceration, and recidivism rates is best understood as the outcome of Māori experiencing impairments to cultural identity resulting from colonisation. Central to this theory, therefore, is also the assumption that ethnicity is a reliable construct by which distinctions can be made between offenders regarding what factors precipitated their offending, as well as best practices for their rehabilitation. Considering a thwarted cultural identity is seen to have given rise to a higher proportion of offenders who are Māori, rehabilitation efforts largely pivot on the idea that restoring cultural identity will lead to a subsequent reduction of the number of Māori in prison. (Marie, 2010, p. 283)

To support the argument, Newbold's (2007) summary of the types of programmes currently in vogue in corrections is cited. Yet, inexplicably overlooked are the preceding chapters of Newbold's book, which reveal that within the Department's theoretical paradigm, culture, and cultural identity *are not given causal power*; in other words, culture neither causes crime nor factors significantly in its reduction. In fact, culture (specifically Māori culture) is confined to the responsivity tranche of the Department's theoretical and intervention framework. In this tranche, "restoring cultural awareness" is considered helpful for preparing individual Māori offenders to receive therapeutic treatment (see Coebergh, Bakker, Anstiss, Maynard, & Percy, 2001, especially pp. 15-16; Webb, 2012). Administrative criminological practitioners who take this view appear be to unaware that the so-called Māori or Indigenous theory they are critiquing is in fact an invention of government officials and contractors (Tauri, forthcoming). In other words, the "Indigenous theory" that informs policy making is best described as a *governmental interpretation of Indigenous knowledge and cultural practice* employed by institutions to enhance the indigenisation of their strategies and interventions (see Tauri, 2011a; Webb, 2003, 2012).

It is difficult to comprehend how commentators could depict the current policy situation in New Zealand this way, given that the available documentation is almost entirely constructed by crime control agencies, including external "experts" who have been contracted to deliver a proscribed

project on behalf of government officials. The majority of sources utilised by crime control policy makers are not generated by external, independent Māori (or critical, non-Māori) commentators (Tauri, 2009). We are not, as administrative criminological practitioners argue in relation to the Australasian context, experiencing the dominance of Indigenous theory in the design of policy and interventions. What are presented as culturally derived items are more accurately described as neo-colonial artefacts developed by policy makers and members of the academy "jobbing" on behalf of the state, which are then utilised primarily to satisfy the policy requirements of ministers and their agencies (see Tauri, 2011a regarding government institutions purposeful use of Māori symbols and Tikanga to indigenise policies and interventions). The dominance of positivistic theory in Department of Corrections policy programme and the subjugation of Indigenous perspectives are evident in all relevant departmental documents, as demonstrated in the following text from a Department of Corrections (2009b) review of the effectiveness of rehabilitation programmes:

> It is now generally accepted that treatment programmes should be adapted to cater for the cultural needs of offenders who participate. As such, *culture represents an important responsivity issue within offender rehabilitation. Incorporating culturally-based concepts, imagery and activities into programme content* is regarded as a way of both *attracting minority-group participants into programmes,* and *ensuring that the programme engages and retains them* [emphasis added]. (p. 42)

This imagery is ignored in administrative accounts that accentuate the myth of the dominance of Indigenous perspectives and a focus on structure (i.e., bias in policing or the courts) in policy responses. For example, one account from that perspective argues that:

> ... debate about how to respond to Indigenous violence have focussed less on the question of how to reduce it than how to reduce the effect of Indigenous violence on Indigenous contact with the criminal justice system. The general consensus on this issue seems to be that the best way to reduce Indigenous contact with the criminal justice system is to create some tribunal or process that gives Indigenous community members a voice in how to respond to crime by Indigenous defendants. (Weatherburn, 2010, p. 198)

In promoting the view that Indigenous theories dominate the development of crime control policy, administrative criminological exponents appear to resist engaging with the extensive material Indigenous and non-Indigenous scholars have produced in examining Indigenous peoples and their over-representation in New Zealand and other settler societies. If they did, they would find that Indigenous and critical scholars in New Zealand (Jackson, 1988; Tauri, 2009; Webb, 2003), Australia (Blagg, 2000; Cunneen, 2009; Dodson, 1994), and Canada (Gosse, Henderson, & Carter, 1994; Monture, 1999; Turpel, 1994; Victor, 2007) provide sophisticated explanations of the causes of Indigenous social harm and victimisation. This material also reveals the wide range of interventions, such as habilitation centres, and culturally and socially specific therapeutic approaches to a wide range of risk factors that, to use the preferred terminology of administrative criminology, Indigenous scholars and practitioners have designed (see Tauri, forthcoming).

Undoubtedly, issues like colonialism, institutional bias, and militaristic policing strategies are all key foci of Indigenous criminological analysis. However, it is duplicitous to argue that they are the *only* or the *most* predominant factors that Indigenous (and critical, non-Indigenous) scholars utilise to theorise the over-representation issue. The key issue that administrative criminology in New

Zealand and other neo-colonial societies neglect is that the settler state has demonstrated a preference for culturally sensitive processing of Indigenous offenders, exemplified by agency designed and controlled programmes such as group conferences, sentencing circles, Indigenous sentencing courts, Indigenous liaison officers, Aboriginal justice strategies and such like (Tauri, 2011a). These types of state-centred responses invariably lack jurisdictional autonomy, legislative weight, and receive significantly less funding compared to mainstream policies and interventions. A considerable proportion of settler state responses to the Indigenous problem can be described as orientalised artefacts that enable the state to be *seen* to do something, while attempting to silence independent (Indigenous) commentary on the failure of its crime control processes to provide meaningful justice outcomes for Indigenes (see Palys & Victor, 2005; Tauri, 2011b). Policies to increase Māori participation within corrections through communications, community relations, employment, service delivery, and community partnerships should not be confused with *control over correctional philosophy and policy development*. Indeed, there have only been recent developments, in 2011, of two standalone pre-release units for Māori prisoners, the *Whare Oranga Ake* units. With thousands of Māori incarcerated on a yearly basis, the size of these 16 beds units confirm that Māori-informed correctional programmes are limited within the current system.

The dominant orthodoxies that inform penal practice and wider criminal justice processes are ignored by administrative criminologists, who instead present the erroneous assumption that rehabilitation programmes for Māori are based solely upon cultural identity deficits and dominate programme delivery to this group[7]. Critical scrutiny of processes should involve an objective and systematic evaluation of the broader IOM and the criminogenic suite of programmes, as well as the failure of these to achieve stated aims, namely the significant reduction of recidivism amongst the prison population. This has been thoroughly documented by Greg Newbold (2009) in his article, *Another One Bites the Dust: Recent Initiatives in Correctional Reform in New Zealand*. In summary, contrary to the mythic claims of some administrative criminology accounts in the Australasian context, a thorough review of available research and government texts demonstrates that:

(a) Māori theory does not dominate policy making in any of New Zealand's crime control agencies;
(b) The vast majority of policy, legislation, intervention design, and funding decisions are informed by imported "theories" and interventions (for example, see the Ministry of Justice, 2009a, 2009b material on the recent Drivers of Crime project in New Zealand); and

[7] See for example, Marie's (2010) assertion that the greater majority of Māori offenders receive tikanga-based treatment, while the extant literature clearly shows this not to be the case. Unfortunately, Marie presents the MaCRNs process as having a meaningful impact on policy design and the delivery of correctional interventions to Māori offenders when, in fact, it was only ever intended to supplement the much broader, psychology-dominated IOM approach (Webb, 2012). Morrison (2009), from the Ministry of Justice, reviewed the operation of MaCRNs and observed it was under-utilised by staff, and that the Depatment of Correction's initiated an evaluation that found less than 20% of offenders who were assessed with MACRNs then went on to a culture-related activity.

(c) The vast majority of government spending in New Zealand's criminal justice system goes to fund the orthodox "Western" derived crime control programmes[8].

Conclusions

We wish to conclude our critique of the mythological constructs of administrative criminology by acknowledging the lack of evidence for the efficacy of Indigenous theories and interventions. However, while making these claims, commentators appear unaware of the politics of Māori crime control policy in the New Zealand context. It our contention that ignorance of the politics surrounding Māori policy construction leads to exaggerated claims regarding the amount of influence Māori theory and practices actually have on the development of crime control policy. Even a rudimentary awareness of the politics involved, as evidenced by a vast array of policy documents, would undoubtedly curb exaggerated claims about the supposed failure of Māori theory and programmes. This is because such knowledge would invariably lead commentators to acknowledge a fundamental truth about the criminal justice sector in New Zealand, namely that it has a poor history of undertaking scientific, outcome-focused research and evaluation on its policies and interventions (Tauri, 2011a). The lack of empirical analysis of the crime control in New Zealand pertains to the entire suite of policies and interventions, whether they are informed by *tikanga* or Crime Prevention through Environmental Design (CPTED) or some other theory (see Tauri, forthcoming; Te Puni Kōkiri, 2002b).

The mythological construction of Māori approaches offered by administrative criminologists is further weakened by a sustained, critical analysis of the efficacy of their preferred scientifically-derived interventions. In particular, commentators fail to provide significant evidence that the preferred programmes of the state and administrative criminologists are reducing Māori rates of offending and reoffending in any empirically verifiably way. Further to this is the fact that offenders are much more likely to experience the individual-focused therapeutic programmes that many administrative criminologists prefer than *tikanga*-inspired interventions, which are supposedly having such a negative effect on Indigenous recidivism rates (see offenders' comments in Department of Corrections 2009b; Te Puni Kōkiri, 2007). On this basis, any claim that Māori theory and/or culture dominates crime control policy construction in New Zealand, or that we are to blame for the contemporary failure of the overall crime control policy response to the Māori problem, should be considered little more than a mythological artefact that lacks empirical validity.

Over the past thirty years, Indigenous commentators have produced a significant amount of critical material on the response of crime control agents to the "Indigenous problem". Less prominent has been critical analysis of the role played by the academy in supporting the state's historical and contemporary marginalisation of First Nations through crime control policy. Evidence for the need for Indigenous scholars to turn our critical gaze to the symbiotic relationship between the discipline of criminology and policy-makers is indisputable. As Biko Agozino (2003) has demonstrated, the social sciences (in particular criminology) born in the 19th century played a significant role in the colonial project, with the First Nations of Africa and North American serving as guinea pig populations for the development and refinement of Western crime-control strategies. In more recent

[8] During the now defunct Effective Interventions initiative (2006-2007), Te Puni Kōkiri officials were informed by crime control agencies that Māori initiatives (which are likely to include programmes such as counselling derived from non-Māori theoretical sources) received less than 10% of the sector's spending on therapy and other forms of intervention (Tauri, 2011b).

times, we have observed the resurrection and re-empowerment of administrative forms of criminology in the policy making process, and with it a governmental preference for individualised, therapeutic interventions and policy development strategies largely devoid of direct engagement with First Nation peoples. On these issues alone, the need for a sustained critique is justified. But this critique must serve a greater purpose, namely the empowerment of First Nations in the realm of justice, resulting in meaningful reductions in contacts with "the system". In the area of crime control, this necessitates a multi-dimensional, strategic approach involving (amongst other things) a critical focus on the policy and legislation-making functions of the state, the continued resurrection of First Nation responses to social harm as alternatives to the formal system, and the development of an Indigenous, counter-colonial criminology dedicated to contesting the hegemony of administrative criminological approaches in the development of crime control policy.

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