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Nota di contenuto	Cover ; Half Title; Title Page ; Copyright Page ; Table of Contents ; Foreword; Preface; Acknowledgements; Table of legislation; Table of cases and inquests; 1. Introduction to Indigenous representations in criminal sentencing; Recognition of the 'Other'; Recognition in a society of denial; Recognition as metaphoric control; Same difference in sentencing: common law and statutory frameworks for recognition; Interplay between discretion to recognize and sentencing statutes; The guises of recognition; Recognition of disparate Indigenous experiences; Shifting penalty Lenience and the tolerant guiseStronger penalties and the exclusionary guise; Vignettes and rationales of analysis; Chapter vignettes; Rationale and limitations of methodology; Conclusion: recognition and the reinvention of the terms of indigeneity; 2. Historicizing colonial and postcolonial Indigenous crime and punishment; Introduction; Constructing the Indigenous criminal on the frontier; Imposing British jurisdiction: land, sovereignty and crime; Legislated exceptionalism: punishment on the body; From body to soul: 'protective' containment Normalization of Indigenous punishment in the age of assimilationThe

spatial field of postcolonial crime; Concluding remarks: state criminalization and the legacy of non-recognition of Indigenous laws; 3. Decolonizing Indigenous crime statistics; Introduction: sentencing, statistics and social relations; Incidence of over-representation; Explaining over-representation and the significance of sentencing; For tougher, for lighter, until statistics do us part; Findings of discrimination in sentencing; Findings of fairness; Implications of sameness in sentencing: difference in criminality

Postcolonial perspectives on overrepresentation: contextualizing and critiquing positivism

Transcending positivism: towards a postcolonial sentencing paradigm; The punitive turn in sentencing Indigenous offenders; General features of the punitive turn; From social creatures to individual actors - responsabilization and risk; Protecting the community through deterrent messages; Ideal victims and serious harms; Implications and limitations of the punitive turn framework for sentencing Indigenous offenders; Conclusion: more than mitigation or aggravation

4. Sentencing away culture and customary marriage

Introduction: culture, custom and culpability; Continuing, transforming and resisting cultures; Culture in the courts; Culture, violence and metaphors of state paternalism; Parliament's privileging of punitiveness above culture; Historical appropriations: cultural exclusion to cultural celebration; Early years of the Northern Territory Supreme Court: disciplining the body; Justice Kriewaldt's adoption of cultural leniency: disciplining the soul; Sentencing from the 1970s: cultural valorization

The judicial will to civilize: sentencing contemporary cultural crimes

Sommario/riassunto

<P>Indigenous People, Crime and Punishment examines criminal sentencing courts' changing characterisations of Indigenous peoples' identity, culture and postcolonial status. Focusing largely on Australian Indigenous peoples, but drawing also on the Canadian experiences, Thalia Anthony critically analyses how the judiciary have interpreted Indigenous difference. Through an analysis of Indigenous sentencing remarks over a fifty year period in a number of jurisdictions, the book demonstrates how judicial discretion is moulded to dominant white assumptions about Indigeneity. More specifica
