

# Theoretical Passages and Boundaries: The Indigenous subject, colonialism, and governmentality

Claire Spivakovsky  
*Department of Criminology, The University of Melbourne, Australia*

Refereed paper delivered at  
PASSAGES: law, aesthetics, politics  
13–14 July 2006 Melbourne Australia

Available online via [www.law.unimelb.edu.au/cmcl](http://www.law.unimelb.edu.au/cmcl)

## **Abstract**

*Theoretical paternalism and the convenience of working within ‘accepted’ frameworks have appropriated the Indigenous subject within the boundaries of colonial relations. The establishment of post-colonial theory as one of the only ‘acceptable’ frameworks for exploring the Indigenous subject has limited the subject’s theoretical development within the binary of coloniser/colonised. Breaking from this tradition, the Foucauldian concepts of governmentality, ethics and care-of-the-self will be used as a template for expansion. This paper will explore the passages of the Indigenous subject in theoretical development. It will examine the significance of post-colonial and settler colonial theories in the conceptualisation of the subject, and consider the transformations that occur when the borders established by these theories are crossed. The paper will therefore be comprised of four sections. The first will address the value and limitations of post-colonial and settler colonial theory. The second will posit reasons and implications for why theoretical neglect has occurred. The third will present and critique the Foucauldian concepts of governmentality, ethics and care-of-the-self. Applying Foucault’s concepts to examples of Indigenous offenders in the settler societies of Australia and New Zealand, the final section will examine the impact of the Indigenous subject in Western thought and institutional practice.*

**Keywords:** Colonialism, Governmentality, the Subject and Indigenous

## **Introduction**

Post-colonial theory, based on its premise of legitimising the voice of the ‘other’ in the resonating effects of colonisation, has been appropriated by Western research as one of the only acceptable means for exploring the Indigenous subject. This paper contends that as a result of the determination of Western researchers to reside within the political safety of post-colonialism’s boundaries, the conceptualisation of the Indigenous subject has stagnated. Moreover, that the Indigenous subject has become the focus of theoretical paternalism. Accordingly, there is a need for further developments that are not fixated on the binary of coloniser/colonised. In response, this paper will provide one such expansion by exploring the unique effect of the Indigenous subject on Foucauldian frameworks. Through exploration of the conceptual and physical presences of the Australian and New Zealand Indigenous

offender within and against the Eurocentric Foucauldian concepts of governmentality, ethics, and care-of-the-self, a mutuality of impact extending beyond colonial boundaries will be demonstrated. This paper will therefore explore the passages of the Indigenous subject in theoretical development.

***The subject of post-colonialism: Colonial bound***

Post-colonial theory provides the most common avenue for Western researchers when exploring the modern Indigenous subject. Through its psychoanalytical approach to subjectivity, post-colonial theory offers a legitimate passage for examining the resonating effects of colonisation in contemporary society. It deconstructs the meaning of colonial discourse, reflects on the current repercussions of this process, and provides space for the voice of the 'other' to be heard. However post-colonialism is problematic.

Patrick Wolfe's work on settler colonialism (1991, 1994, 1997, 1999, 2002) exposes the limits placed on the development of the Indigenous subject by post-colonialism. Wolfe contends that in settler societies such as Australia and New Zealand, the term 'post' colonial is inappropriate as the continuity in the colonial process must be exposed. As Wolfe states, '[t]he colonizers come to stay - invasion is a structure not an event' (Wolfe 1999, p.2). Wolfe also posits that in settler societies there is a unique relationship between the settler and the land, where the 'native' has become 'superfluous'. The consequence of this relationship is that, '[w]here survival is a matter of not being assimilated, positionality is not just the central issue – it is the issue' (Wolfe 1999, p.3, original emphasis). Taken in conjunction, Wolfe's arguments suggest that the boundaries of post-colonialism are marked by the insistence of Western researchers, such as Williams and Chrisman, that 'the era of formal colonial control is over' (Williams & Chrisman 1993, p.3). Post-colonialism masks the contemporary Indigenous subject through its discourse of completion, and marks the boundaries of their existence by reference only to the echoes of a colonial past.

Wolfe's work is not however without its own critics (see for example Krautwurst 2003; Merlan 1997; Povinelli 1997; and Sissons 1997). There is significant value in what these criticisms offer for the exploration of the boundaries marked by post-colonialism, and now counter post-colonial theory. In particular, Merlan (1997) contests the function of settler colonial theory's view that colonialism exists as continuity in structure. Merlan asserts that by maintaining that continuity exists (without accepting change to the structure), the role of the Indigenous subject cannot move beyond the 'binary logic of radical difference' (Merlan 1997, p.10). Continuity fixes the positions of those involved. Thus if colonisation is as static a structure as Wolfe presents; if the focus remains on land, the native remains superfluous, and the aim of the structure remains assimilation, then the Indigenous subject once again becomes limited by the framework. The Indigenous subject must remain in their oppositional 'position' or face extermination.

Wolfe's work, and the responses to it, signifies the need to see the Indigenous subject as framed both within and beyond colonisation as it existed in the past. Through its refusal to accept the 'post' in post-colonial, Wolfe's work demonstrates that the boundaries of opposition set by post-colonial theory are too narrow. However, rather than entirely removing these markers, the counter theories have merely shifted their location. Post-colonial and settler-colonial theories have fixed the role of the

Indigenous subject as either oppositional to an echoing past, or oppositional to a contemporary structure. Yet by continuing to explore the various Western approaches to a 'colonial bound' Indigenous subject, these theories have allowed the role of 'the West as subject' to expand. The nature of the exploration has therefore changed. What is left by post-colonial and settler colonial theories is a framework which is more appropriate for showing the role of Western development on the Indigenous subject, than the role of the Indigenous subject on Western development. It therefore becomes pertinent to question, why has this been allowed to occur?

***Shrouded by theoretical paternalism: The place of the Indigenous subject***

The dearth of theoretical development regarding the Indigenous subject is partially due to the convenience and safety of remaining within practices that are accepted. Post-colonialism, and even settler colonialism to an extent, offer the Western researcher an accepted framework from which to assess the theoretical construct of the Indigenous subject with minimal criticism. In contrast, as demonstrated, those who begin to take the first steps towards reconceptualisation (Wolfe), face the criticism of misinterpreting the agency of the Indigenous subject (Merlan). The implication is that the Indigenous subject has begun to stagnate within the discourse of these theories. Moreover, the Indigenous subject will remain in this position until another theoretical framework becomes accepted as 'appropriate', or until researchers brave the potential criticisms, and move towards expanding the subject's role. In response this paper will provide one such expansion through exploring the role of the Indigenous subject within and against a Foucauldian framework. However, the issues and potential criticisms which could elicit from expanding the subject's role in this way must be considered, as without exposing them for what they are, this type of work may never garner legitimacy and progress.

The Eurocentric nature of Foucault's work has been a prime target for those who approach the Indigenous subject with a colonial focus. Young reaches so far as to say that 'Foucault's work appears to be so scrupulously Eurocentric that you begin to wonder whether there isn't a deliberate strategy involved' (Young 1995, p.57). The ramifications of this form of criticism are clear within the current exploration. Prima facie, Young's criticism is concerned with the 'curiously circumspect' way in which Foucault's work avoids the exploration of power in the 'arenas of race and colonialism' (Young 1995, p.57). It is reasonable to contend that Foucault's work avoided these topics because his subjects were white, Western individuals and institutions, and therefore race and colonialism were not directly of concern. The crux of Young's criticism must therefore lie deeper. Young appears to purport that a Eurocentric focus is a form of colonial misappropriation; that the colonial machine has been bound up in Western thought to the extent that even when the Indigenous person is absent, colonialism remains at the forefront. Hence, by choosing to explore the Indigenous subject within a Eurocentric framework, specifically because the framework was not created in relation to race and colonialism, this paper could be criticised as not actually exploring the Indigenous subject, but instead colonising the subject's theoretical development.

The counterargument is twofold. First, Young's argument has resorted once more to the simple binary of coloniser/colonised by suggesting that all Western practice/thought is about colonialism, and that exploring the Indigenous subject within this framework is an act of colonisation. Second, and in extension to this, this

simplification implies that the Indigenous subject will not succeed in this sphere, that they will affect no change, and that their conceptual identity will instead be assimilated by Western thought. Thus the theoretical development of the Indigenous subject is hindered by uncertainty in the subject's ability to face Western thought and emerge uncolonised. This is theoretical paternalism; and as a result the Indigenous subject has been shrouded from further development.

A paradox has now emerged. Young suggests that acts of contemporary colonialism occur when the colonisation process of the past is ignored. However, Young's choice to discuss colonialism in reference to past and present Western action reinforces the problem with colonial terminology: the term colonisation infers the ability of the West to extend and retain authority over the Indigenous people. By refocusing on colonisation, the consequences of colonial action have also become reinstated. Therefore, although Young's work would suggest that in order to refrain from contemporary colonial action one should remain focused on colonisation, the choice to remain focused on colonisation is also colonial in approach. The Indigenous subject will remain bound to the ability of the West to extend and retain authority over them if colonisation remains in focus. Consequently the dilemma becomes: should one take this theoretically paternalistic approach and limit the theoretical development of the Indigenous subject on the basis that they should be 'shielded' from other Western thought (which will apparently succeed in assimilation); or is it more appropriate to explore the effect of the Indigenous subject on Western development, to examine the possibility that the subject may not only resist Western thought, but change its foundations? This paper proceeds on the basis of the latter position.

***Extending the role of the subject: Indigenous governmentality***

Foucault's governmentality thesis is in its infancy, and as such is subject to interpretation. At the basis of this interpretation, however, are two interrelated arguments. First it is contended that the 'task' of governmentality is to develop upward and downward continuity between the 'art-of-self-government', the 'art of properly governing a family', and the 'science of ruling the state' (Foucault 1991, p.91). Second, these types of continuity can be achieved through the establishment of economy, defined as 'the correct manner of managing individuals, goods and wealth within the family ... and of making the family fortunes prosper' (Foucault 1991, p.92). Hence, through the different mechanisms and technologies (economy) used at every social level (government – government institutions – non-government institutions – family – individual) a continuity can occur between the individual and the government. Moreover such continuity should be both upward in direction, where the individual manages themselves in such a way that they positively effect all that surrounds them, leading to a prosperous state; and also downward in direction, where the state manages itself in such a way that it allows new ways of being for the individual to consider for their own self-management, which are in line with both the state's and the individual's interests. Thus an arrangement of things can take place which allows the individual to choose, or become capable of taking on new and improving forms of being, identity, and ways of life. Stenson's (2005) recent work on realist governmentality theory clarifies how this process of continuity and economy can be applied. Stenson (2005) argues that rather than interpreting this interaction between the individual and the state in relation to the concept of liberal governance, where the centrality of the state is removed, one must see that the sovereignty of the state remains intact. Hence, underlying continuity is "the struggle for control of

populations ... ultimately though the monopolisation of the threat or use of coercive force in the name of transcendent law and state authority” (Stenson 2005, p.272). The application of the Treaty of Waitangi by New Zealand correctional agencies will now be used as a foil for exploring the feasibility of this framework in relation to the Indigenous subject.

The Treaty of Waitangi is surrounded by controversy concerning its translation. The English version claims that sovereignty was surrendered by the Maori people, and the Maori translation says that only governance was submitted to. Non-government literature focuses on the use of this Treaty to exemplify the New Zealand government’s inability to provide adequately for, and maintain, the Maori people and their culture. Larsen, Robertson, Hillman & Hudson (1998), argue that a failure to accept the Maori meaning of the Treaty has resulted in repeated decisions by the government that reinforce monoculturalism. In contrast, government literature contends that although sovereignty has not been released, it has become a priority of the New Zealand government to acknowledge that the Maori people should be entitled to uphold their culture; that the government should make all attempts to maintain this culture, and in no way diminish it through assimilation (see McFarlane-Nathan 1999; Nathan et al. 2003). The correctional sphere acts as one of the avenues through which the New Zealand government has attempted to implement this understanding of the Treaty.

What is interesting about the Treaty of Waitangi is how this almost two centuries old document can be recruited into the contemporary rationalities and strategies of governance. Such recruitment would suggest a secondary purpose to the Treaty, something beyond its significance as the first form of agreement between the Maori people and the State, and its negotiation of sovereignty. In Foucauldian terms, the recruitment of the Treaty can be understood as another way through which the Maori are being drawn up into the process of better self-governance. The Treaty provides and facilitates the conditions in which they may maintain their own culture, and therefore retain their ‘own way’ of being. The Treaty becomes a tactic of governmental power because it facilitates self-improvements, health, welfare and so on. Thus, in this example, the combination of economy and continuity can be seen through the use of the Treaty by correctional agencies when facilitating the conditions for Indigenous offenders.

However, this example also shows that there is a problem with the ‘economy’ and ‘continuity’ combination process. The conceptualisation of ‘economy’, the correct management of individuals for prosperous outcomes, is clearly more applicable to the process of downward continuity than it is for upward continuity. The New Zealand example demonstrates how the Treaty of Waitangi, and the concepts of self-government and improvement embodied within it, has been used in the science of ruling the state in order to facilitate the conditions at various levels of contact (correctional agency) for individuals (Indigenous offenders) to take on new ways of being. However, there is insufficient indication of the role of the subject within this process. Upward continuity, or the translation of the art of self-government to the science of ruling the state, remains unexplained.

Ethics and care-of-the-self provide some indications of the subject’s role in the shaping of governance. Foucault contends that to be an ethical subject one must

attend, or care, for oneself in such a way that it becomes a form of living (Foucault 2000). Through this act of attendance, the ethical subject establishes themselves within their correct position in society, and in doing so allows for the rest of the society in which they reside (family, community and so on) to function as they should. However, this development is still limited by the original problem of clarification. Although Foucault's writing couches the concepts of ethics and care-of-the-self within the terms of upward continuity, indicating that these concepts are extensions and clarifications of the upward process, even within these developments the combination process remains unclear. It would appear that Foucault presents the role of the subject as allowing oneself to be shaped by downward continuity. That the subject's only impact is in whether they choose to take up their correct position in society, or cause ripples in the downward flow. This is a failing of Foucault's work. By limiting the upward continuity of the subject to only take place at the end of the downward process, Foucault falls short of showing how the individual subject, or 'art-of-self-governance', can change the 'science-of-ruling-the-state'. Indeed, this failing is reminiscent of the colonial bound problems previously raised, whereby the West is being allowed to develop theoretically through exploration of its different enactments of downward continuity (facilitation and arrangements of new ways of being), but the subject remains bound to a position of opposition. It is clearly inappropriate (and colonial) to explore the role of the Indigenous subject within this limited framework of governmentality, ethics and care-of-the-self. Instead what is required is an examination of how the Indigenous subject can help reconceptualise this Western framework, and clarify the process of upward continuity.

Recent work by O'Malley (1998) has begun to problematise the upward continuity process in relation to Indigenous people. O'Malley makes a pertinent point when he notes that although Foucault's theories of power relationships stress that power is never exercised by one on another, but rather is an interaction within which resistance is a key player, this understanding does not appear to have been wholly incorporated into his theory of governmentality. O'Malley contends that, instead, 'resistance' has been replaced by 'failure' (of program, or approach), and by such 'failure' it loses its strength in the relationship, as it simply becomes a part of a program. Thus while 'failure' of an individual to incorporate programs and approaches into their own art of self-government does become the impetus for rethinking and reconstructing programs, the individual loses their ability to provide continuing input into the broader relationship. The individual is no longer considered a constant source of 'resistance', only an end which will either succeed or fail. It is due to this diminished relationship that O'Malley further contends that this understanding of 'failure' is inappropriate for the Indigenous population. O'Malley posits that Indigenous populations have a key influence on the science of ruling the state, as all interactions with these populations in recent years have forced acknowledgement of the need to work alongside their cultural framework.

However, whilst O'Malley's work demonstrates the problems of applying Foucault's theory to the Indigenous population, he works too abstractly with these concepts, and fails to provide a clear explanation of how to reconfigure Foucault's framework of upward continuity to take into account these new concepts of 'failure' (waiting for application to occur before reacting) and 'resistance' (active participation at all times). O'Malley's work helps to clarify the problem of the framework, but not the solution.

It is proposed that the solution resides in the recognition that the term ‘upward continuity’ is inappropriate for describing the process by which the Indigenous subject shapes the form of governance. Whilst downward continuity can be visualised as working through a funnel form, as the science of ruling the state pours itself through spaces and works its way down in a circular directed fashion of facilitating conditions and arranging things, this direction is inconceivable in reverse. It is unfathomable to contend that a single individual’s influence (regardless of race or culture) can work its way back up in this directed flow and affect each space until the science of ruling the state is changed. Instead the impact of the Indigenous subject on this framework means that rather than understanding upward continuity as a *process* of directed upward flow or movement, it is more appropriate to understand it as the relationship of *response* with the individual at each of these sites for facilitation. Rather than seeing the individual waiting to spur the entire downward process in reverse, it is more appropriate to see them continuously and systematically responding at each intersection of the downward process, choosing to become capable of taking on improved ways of self-governance at each point. The Indigenous subject forces upward continuity to be reconceptualised as a continuity of response, and not a continuity of directed upward flow. Thus an element can be added to the theoretical development of the Indigenous subject. The subject can influence, impact, and indeed force Western theoretical frameworks to be reconceptualised. The implications of this development on Western institutional practice will now be explored through the example of Australian and New Zealand Indigenous offenders and the correctional system.

***From theory to practice: The Australian and New Zealand Indigenous offender***

Upon first examination, the Australian correctional literature appears to demonstrate how ‘resistance’ works in the context of governmentality. There is an apparent admission of the way that governmentality has worked through downward continuity in the past - how facilitation for the conditions of life have been determined *for* the Indigenous population, rather than *with* them. Thus the Victorian Aboriginal Justice Agreement (2004) acknowledges correctional agencies’ institutional racism, commenting on the problem of reinforcing societies norms which are determined by the non-Indigenous community. Similarly, the New South Wales Aboriginal Strategic Justice Agreement (2003) acknowledges responsibility for addressing the underlying causes of crime in Aboriginal communities. It is confidently acknowledged by these agencies that although this was the original approach taken, a change is now required, as the Aboriginal people possess the ability to determine and solve their own problems (Aboriginal Justice Advisory Council & NSW Attorney General 2003; Department of Justice 2002; Department of Justice & Department of Human Services 2004; New South Wales Department of Corrective Services 2003). Thus, ‘resistance’ is reinstated in the Australian context, such that through acknowledgement of the ability of the Aboriginal people to solve their own problems, upward continuity can be established in their response to program development at every stage. Indeed, even if problems have no short term ‘solution’ as such, the ability to ‘address’ those problems from an Indigenous approach is significant. The process of ‘solving their own problems’ establishes the role of Indigenous people in the power relationship and accordingly, governance must be shaped in such a way that it allows for issues to be addressed from an Indigenous approach.

However, whilst such acknowledgements might, on the surface, present a somewhat smooth way through which upward continuity can take place, some recent correctional literature has identified issues which complicate this process. Specifically, what has begun to be expressed in the literature is the common finding that many Aboriginal people suffer from low-self esteem, which along with other factors, is a result of a disconnection from their own identity and culture (Clark 2000). Moreover, some Aboriginal people feel that they do not know their identity and culture, especially those who form part of the stolen generation. Both Clark (2000) and Hollingsworth (1992) express the complexity of Aboriginal identity, and how in many cases it has come to the point where it is no longer clearly linked to culture. Therefore, it becomes pertinent to question how these correctional agencies are able to provide culturally appropriate programs for Aboriginal people, when the connection between identity and culture has not been defined by the Aboriginal people themselves. In light of this question, it is necessary to refrain from viewing the relationships of 'resistance' and 'failure' in totalities. Thus while 'resistance' appears to have been portrayed through acknowledgement of Aboriginal self-determination, and through the development of culturally appropriate programs designed to address issues of Aboriginal identity and culture, elements of 'failure' also exist. Through the choice of correctional agencies to pursue programs whose conceptual framework is questionable, the relationship also demonstrates the idea that change to such programs is only likely to occur once they succeed or fail. Hence it is proposed that Australia demonstrates the spectrum of 'resistance' and 'failure', predominately portraying 'resistance', but at times expressing elements of 'failure'.

In addition to exemplifying the development of the Indigenous subject, the Australian case reinforces the necessity to view the subject outside the boundaries of colonialism. A colonial approach would not account for the necessity to work with Indigenous culture, only against. Even when elements of 'failure' exist, and the Indigenous subject is viewed as an end with the potential to succeed or fail, the approach is reflexive and emersed in Indigenous culture, rather than based on Western understandings alone. However, it would be inappropriate to suggest that the Australian example provides all that is needed for the theoretical development of the Indigenous subject. It is vital that in the development of the subject new boundaries are not marked through the singularity of the term 'Indigenous'. One population's approach should not be viewed as a sufficient demonstration of the different approaches which could be taken by the myriad populations that exist. This paper is intended as a beginning to the very long process of reconceptualising the Indigenous subject, and as such can not undertake the necessary examination of how each unique Indigenous population changes this Western framework, and practice. However, by additionally exploring New Zealand's Indigenous offender population, this section seeks to emphasise the necessity to break from the singularity of the Indigenous term and expose further developments in the subject.

New Zealand offers perhaps the clearest example of how governmentality involves an aspect of Indigenous 'resistance', and how such 'resistance' can in fact be better understood as Indigenous downward continuity. Like Australia, New Zealand also facilitates this process through acknowledgement of how downward continuity has existed in the past, completely separate from the individual's concept of governance (Larsen et al. 1998; Maynard et al. 1999). However, New Zealand's approach differentiates itself from Australia's, as New Zealand chooses to go beyond simple

acknowledgements of diversity and ability, and extends itself to accept Maori culture as 'equal' (McFarlane-Nathan 1999). Hence McFarlane-Nathan stresses that in the New Zealand Department of Corrections' use of the term culture, they refer to 'the shared system of beliefs, social organization and ritual that are the basis of the various populations and groups making up human society' (McFarlane-Nathan 1998, p.8). Culture is something that is shared by all groups in society and is experienced in innumerable ways. What is important about this extension is that, rather than merely making an allowance for the Indigenous population to 'solve their own problems', this approach creates balance. The New Zealand approach presents as one which provides for the concept of governance to be determined simultaneously from the 'science of ruling the state', and from the individual 'art of self-governance'. Indeed it is contended that in the case of New Zealand, it is appropriate to see two simultaneously existing instances of downward continuity, one instigated by the Indigenous population, and one by the non-Indigenous, which work alongside and in constant response to one another.

What can be taken from these examples of governmentality is that the Indigenous subject enjoys a mutuality of impact which could not be accounted for by the binary of coloniser/colonised. By choosing to resist, or allow the ways of being that are being presented by correctional agencies, the Indigenous offender impacts on the practice of the Western institution. Through their responses at each intersection, the Indigenous offender also presents the correctional agencies with more appropriate ways of being (practice). Therefore by exploring the Indigenous subject outside colonial boundaries significant theoretical developments have occurred in relation to both the Indigenous subject and the Foucauldian framework.

### ***Conclusion***

This paper has explored the passages of the Indigenous subject in theoretical development. The boundaries set by the prominence of post-colonial, and to a lesser extent settler colonial theory, in Western research were examined. By fixing the Indigenous subject as oppositional to either a colonial past or present these theories leave no room for the subject to develop beyond the binary of coloniser/colonised. Consequently the frameworks have become more appropriate for exploring the impact of the West on the development of the Indigenous subject, than the impact of the subject on the West. They have made the Indigenous subject 'colonial bound' but have allowed the West to expand. Whilst these theories should not be replaced, the colonial relations' boundary needs to be lifted, and new developments are necessary.

However, the theoretical paternalistic approach which Western research has taken to the Indigenous subject results in it being very difficult to break with tradition without facing criticism of perpetrating colonialism. The inappropriate actions perpetrated by the West on Indigenous populations should never be forgotten. However, these issues will not be resolved through theoretical paternalism. Indeed all that this position will achieve is indication that we believe that the Indigenous subject cannot succeed against the 'strength' of Western thought. Appropriate steps need to be taken, criticisms need to be faced, and legitimate counterarguments need to be raised.

Addressing this call, the Foucauldian framework of governmentality, ethics and care-of-the-self is put forward as a possible tool for expanding the development of the Indigenous subject. In applying this tool several small advancements were made. Left

unquestioned, the Foucauldian framework failed to demonstrate how the individual could shape governance. However, the unique quality of the Indigenous subject reflected in the need of governments to work with and within their cultural frameworks at all times, demonstrated that this failing was one of conceptualisation. The Indigenous subject was shown to influence and impact upon Western theoretical frameworks through the need to reconceptualise the concepts of 'upward continuity', 'resistance' and 'failure'. It is necessary to interpret upward continuity not as a continuity of directed upward flow or movement, but a continuity of response where the individual is involved at each of the sites for facilitation. Subsequently, when this theoretical development was explored through the examples of Australian and New Zealand Indigenous offenders and the correctional system, further expansion was found to occur. The finding of this paper is that the relationship between the Indigenous subject and the Western institution of the correctional system is one of mutual impact.

### **References**

- Aboriginal Justice Advisory Council, & New South Wales Attorney General (2003) *Aboriginal Justice Agreement*.
- Clark, Y (2000) 'The Construction of Aboriginal Identity in People Separated from Their Families, Community, and Culture: Pieces of a Jigsaw'. *Australian Psychologist*, 35(2): pp.150-157.
- Department of Justice (2002) *Prison Division: Strategic Plan for Aboriginal Services 2002-2005* Perth: Department of Justice.
- Department of Justice & Department of Human Services (2004) *Victorian Aboriginal Justice Agreement* Melbourne: Department of Justice.
- Foucault, M 'Governmentality' in G Burchell, C Gordon & P Miller (Eds.) (1991), *The Foucault Effect: Studies in Governmentality*. London: Harvester Wheatsheaf, pp. 87-104.
- Foucault, M 'The Hermeneutic of the Subject' in Rainbow P (Ed.) (2000), *Ethics: Subjectivity and Truth*. Ringwood: Penguin Books, pp. 93-106.
- Hollinsworth, D (1992) 'Discourses on Aboriginality and the Politics of Identity in Urban Australia'. *Oceania*, 63: pp. 137-155.
- Krautwurst, U (2003) 'What is Settler Colonialism? An Anthropological Mediation of Frantz Fanon's "Concerning Violence"'. *History and Anthropology*, 14(1): pp. 55-72.
- Larsen, J, Robertson, P, Hillman, D, & Hudson, S 'Te Piriti: A Bicultural Model for Treating Child Molesters in Aotearoa/New Zealand' in W Marshall, Y Fernandez, S Hudson & T. Ward (Eds.) (1998), *Sourcebook of Treatment Programs for Sexual Offenders*. New York: Plenum Press, pp. 385-398.
- Maynard, K, Coebergh, B, Anstiss, B, Bakker, L, & Huriwai, T (1999) 'Ki Te Arotu: Toward a New Assessment: The Identification of Cultural Factors Which May Pre-dispose Maori to Crime'. *Social Policy Journal of New Zealand*, 13: pp. 43-58.
- McFarlane-Nathan, G (1999) *FReMO Framework for ReDucing Maori Offending: How to Achieve Quality in Policy and Services to Reduce Maori Offending and Enhance Maori Aspirations*. Wellington: Psychological Service, Department of Corrections.
- Merlan, F (1997) 'Reply to Patrick Wolfe'. *Social Analysis*, 40: pp. 10-19.

- Nathan, L, Wilson, N, & Hillman, D (2003) *Te Whakakotahitango: an Evaluation of the Te Piriti Special Treatment Program for Child Sex Offenders in New Zealand*. Auckland: Department of Corrections.
- New South Wales Department of Corrective Services (2003) *Aboriginal Offenders Strategic Plan 2003-2005*. Sydney: Department of Corrective Services.
- O'Malley, P 'Indigenous Governance' in M Dean & B Hindess (Eds.) (1998), *Governing Australia: Studies in Contemporary Rationalities of Government*. Cambridge: Cambridge University Press, pp. 156-172.
- Povinelli, E 'Reading Ruptures, Rupturing Readings: Mabo and the Cultural Politics of Activism'. *Social Analysis*, 41(2), pp. 20-28.
- Sissons, J (1997) 'Elimination or Exclusion? Strategic Discontinuity in the Post-Mabo Era'. *Social Analysis*, 41(2): pp. 29-33.
- Stenson, K (2005) 'Sovereignty, biopolitics and the local government of crime in Britain'. *Theoretical Criminology*, 9(3): pp. 265-287.
- Williams, P & Chrisman, L 'Colonial Discourse and Post-Colonial Theory: An Introduction' in P Williams & L Chrisman (Eds.) (1993), *Colonial Discourse and Post-Colonial Theory: A Reader*. New York: Harvester Wheatsheaf, pp. 1-20.
- Wolfe, P (1991) 'On Being Woken Up: The Dreamtime in Anthropology and in Australian Settler Culture'. *Comparative Studies in Society and History*, 33(2): pp. 197-224.
- Wolfe, P (1994) 'Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era'. *Social Analysis*, 36: pp. 93-152.
- Wolfe, P (1997) 'History and Imperialism: A Century of Theory, from Marx to Postcolonialism'. *The American Historical Review*, 102(2): pp. 388-420.
- Wolfe, P (1999) *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. London: Cassell.
- Wolfe, P (2002) 'Race and Racialisation: Some Thoughts'. *Postcolonial Studies*, 5(1): pp. 51-62.
- Young, Robert J. C. 'Foucault on Race and Colonialism', *New Formations*, 25, Summer 1995, 57-65

**Contact details**

Claire Spivakovsky  
Department of Criminology  
The University of Melbourne  
Postal Address: Department of Criminology,  
The University of Melbourne, Victoria 3010  
Australia  
Email: c.spivakovsky1@pgrad.unimelb.edu.au