

**LATIN AMERICA CRIMINOLOGY FROM A POSTCOLONIAL APPROACH**  
**CRIMINOLOGÍA LATINOAMERICANA A PARTIR DE UN ENFOQUE POSTCOLONIAL**  
**A CRIMINOLOGIA DA AMÉRICA LATINA: UMA ABORDAGEM PÓS-COLONIAL**

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**Abstract:**

This article aims to encourage all those interested, to develop theories adjusted to the reality of the Latin American context regarding criminology. Principally, it advocates on the analysis of criminology from a post-colonial perspective, in order to understand the consequences of colonialism on both the colonized and colonizer. Post-Colonialism maintains that the process and structures of colonization continues to have consequences for the dynamics of our time. This article considers the law and in particular the violence that Latin America experiences as examples of these colonial consequences. Subsequently, if the intention is to prevent and reduce crime, postcolonial criminological theory – one that is also removed from Eurocentrism- must be incorporated within our approaches.

**Key words:** Criminology; Postcolonial; LatinAmerica; Crime; Colonialism; Decolonization

**Resumen:**

El presente artículo, intenta exhortar a todos aquellos interesados en la materia, a desarrollar teorías ajustadas a la realidad que nos atañe. Principalmente incita a analizar la criminología desde una perspectiva postcolonial, esto es entender las consecuencias del colonialismo tanto en el colonizado como en el colonizador. El post colonialismo sostiene que los procesos de colonización siguen teniendo consecuencias en las dinámicas de nuestros días, dos de ellos

según la posición del presente artículo, es en el derecho y especialmente en la violencia que se vive en Latino América. Por ello, si lo que se pretende es prevenir y aminorar la delincuencia, se debe incorporar teoría criminológica post-colonial, además que con ello se estaría descolonizando el pensamiento eurocéntrico.

**Palabras clave:** Criminología; Postcolonial; América Latina; Crimen; Colonialismo; Descolonización

**Resumo:**

Esse artigo, tenta animar a todos aqueles interessados na matéria, a desenvolver teorias ajustadas à realidade que nos pertence. Principalmente incita a analisar a criminologia desde uma perspectiva pós-colonial, isto é entender as consequências do colonialismo tanto no colonizado como no colonizador. O pós-colonialismo sustenta que os processos de colonização continuam tendo consequências nas dinâmicas de nossos dias, dos deles segundo a posição do presente artigo, é no direito e especialmente na violência que se vive na América Latina. Por isso, se o que se pretende é prevenir e diminuir a delinquência se deve incorporar teoria criminológica pós-colonial, uma vez que com essa ideia, se estaria descolonizando o pensamento eurocêntrico.

**Palavras chave:** Criminologia; Pós-colonial; América Latina; Crime; Colonialismo; Descolonização

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## INTRODUCTION

The region of Latin America has long been considered an area with high levels of violence and crime with particularly high rates of theft, robbery as well as homicide. Throughout Latin America, criminological studies have often been undermined. Furthermore, even less attention has been given to postcolonial theory as a perspective to understand crime and violence within the wider region.

As Frantz Fanon said, “colonialism is neither a thinking machine nor a body endowed with reasoning faculties. It is violence in its natural state and it will only yield when confronted with greater violence” (Fanon, *The Wretched of the Earth*, 1963, p. 61). Undoubtedly, colonialism had powerful effects on people and society and has created social systems based on racism. It also had impacts on the agenda of different disciplines, such as law and criminology, which were and still are tools of knowledge and power.

Criminology is a discipline of enormous dimensions, which employs a variety of prisms through. It examines structures, narratives and images of power. Therefore, it is essential to broaden the scope of this discipline by incorporating other approaches, such as *Postcolonial Theory*, which offers an understanding of the direct and indirect influences of colonisation on both colonized and colonizer. From the aftermath of colonialism,

postcolonial theory emerges as a mean to give voice to the oppressed colonized people. This approach has been used in a variety of the disciplines among humanities; however, criminology has tended to overlook it.

The aim of this essay is to highlight the importance of linking criminology studies with postcolonial theory so that crime and violence in the Latin American region can be better understood and analysed. It puts forward many of the arguments by post-colonial scholars that colonisation should not be viewed exclusively as an historical event but a process with has ramifications still today, particularly in relation to Latin Americas social make up, crime and violence.

Firstly, it sets the context for the current crime and violence in Latin America. Secondly, it locates post-colonial theory analyses, the continued impact of colonialism within colonised countries, namely in Latin America. Third, it explores some of the biases found within criminology as a result of colonialism. This includes rights and law based approaches that have historically justified colonialism. Finally, it recognises the importance of being able to actively challenge and advance criminology and in particular the dominant criminology within Latin America and how a different perspectives can be useful as a tool for further inquiry into crime and violence within the Latin American region.

## VIOLENCE IN LATIN AMERICA

“Latin America is the world’s most violent place”, this is how the World Bank as well as the United Nations Development Programme (UNDP) has classified the region. For example, in 2012 according to the World Bank’s statistics one in three inhabitants in the region were victims of theft. Common crime and violence is the main threat in the majority of countries of the region. The Regional Human Development Report, developed by the UNDP in 2013-2014, has shown that one in five people have been victim of some type of robbery in the last year; indeed, six out of ten robberies in the region are violent. Unsurprisingly, this has diminished Latin American’s quality of life as well as compromising the public’s right to live a life with dignity and freedom of movement. In fact, between 16.8 % and 51.5 % of people had been forced to limit the public places they

visit due to fear. More surprisingly, seven out of ten countries with the highest homicide rates in the world are in Latin America as well as 46 out of the 50 cities with the highest rates of homicide in the world are in the region, including the top 16 (World Bank Group). Also, the World Health Organization estimates that violence is the leading cause of deaths in the region within people between the age of 15 and 44 (United nations Development Programme 2013).

As a matter of fact, there are approximately about 73,000 to 90,000 firearms deaths annually in Latin America, which is three times the world average (Cohen and Rubio 2007, 1-45). In comparison with Africa, which mistakenly has been considered the most violent continent, Latin America has a rate of homicide per

capita of 23 per 100 000 whereas in Africa it is 12.5 per 100 000 people (The Wall Street Journal 2014). To sum up, while in the rest of the world homicide rates have been decreasing, in the region it has increased 12 % between 2000 and 2010 (United Nations Development Programme 2013-2014). In this context it becomes a pertinent question to ask: What makes Latin America different from other world's regions? Answering this question does not have an easy response. Paraphrasing

Professor Mariana Valverde, trying to explain why crime exists is comparable to trying to explain why disease exists (John Barry Memorial Lecture 2014). However, there are some factors and causes that might serve as an attempt to understand why crime is high in Latin American. Perhaps, looking back to history could be one of the means to get a better insight of this issue, in other words, it is moment to widen the knowledge of criminology by introducing postcolonial theory.

## COLONIALISM AND POST-COLONIAL THEORY

Postcolonial theory explores the means that colonialism has used in order to manifest itself within a particular society and maintain its hegemonic power in different aspects of people's daily lives, namely law. Postcolonial theory can be located as part of a wider critical theory and is historically revisionist in its approach, looking to take on new perspectives from 'the ground up' to more adequately explain colonisation. Under the wide reaching umbrella of Postcolonialism, there are a number of terms that should be taken into consideration when studying and engaging with the theory which are as follows: Colonialism, which was the process of conquest and settlement by European cultures in the Third World; Imperialism which is the ideology that enforces colonialism's dominance; Neo-colonialism, which is the continued pressure exercised by the former colonial power over the colonized countries. Moreover, the concepts of postcolonialism and decolonisation emphasize a resistance against oppression in any of its forms, but especially both of them "seek freedom from colonial ways of thinking" (Nayar 2010, 3). Whilst nations can be seen to be liberated by colonial rule and have established republics, often the ideas and ways of thinking through a colonial lens can still be seen to permeate former colonial societies.

For many scholars Postcolonialism itself has become an ambiguous approach because it is particularly difficult to describe is definition with precision. The origins and scope of Postcolonialism however are an indispensable starting point to deepen the understandings surrounding both old and new colonialism (Coronil, 2013). Colonialism in the Americas dates back to 1492 when Christopher Columbus, in an attempt to reach the East Indies, discovered what was for Europeans new land and arrived in what today is known as the Caribbean islands. The two major developed societies

in the Americas at that time in history were: the Incas and the Aztecs. The Incas were located in the southern region while the Aztecs occupied Central America and Mexico.

Although these native societies outnumbered the Europeans and were very strong in resisting European domination, they were defeated; mainly because of the violence, diseases and societal structures established by the colonizers. The conquest by the Spaniards in the Americas was marked by its violence. Both the Spaniards and Portuguese had an ideology shaped by religious beliefs that justified not only territorial conquest over the new lands, but also for conquering the native people themselves. The ideology of the Spaniards and Portuguese was based in a long tradition of forced conversion to Catholicism and the religious justification of Christian over non-Christians (Trevor R. Getz 2011, 51,52). The colonial model used in the Americas was centred on acquiring wealth from the new world and was predominately based on the extraction of resources, agriculture and especially forced labour. They imposed an oppressive labour system named the *Encomienda*, which allowed the labour exploitation of the indigenous people to take place. The colonists also established an urban pattern of settlement, which was characterized by the Spanish urbanized lifestyles; as a result, indigenous people, both the Incas and Aztec were removed to the peripheries. The initial plunder of land in the Americas did not seem to satisfy the infinite whims of the Spaniards; hence, the exploitation of the native people and land persisted over many centuries through its patterns of control.

'The Americas, indeed, had become a vast laboratory for new forms of long-distance imperial expansion and colonial settlement

under the Iberians: in the centuries ahead, the experiment would continue under the aegis of new imperial powers' (Trevor R. Getz 2011, 7).

In order to maintain their dominance, the colonizers developed a sustained coercive system of laws and social control structures that gave shape to human behaviour. First of all, they intentionally failed to identify traditional ways of social control by the creating and imposing their categorization of what would be considered as crime. However, this categorization was not precisely developed in high universal principles of criminal law, on the contrary it was based on race and gender. As a result, the colonial social control system served to legitimate the colonisers' false position as a superior race, whereby the colonized people were categorized as an inferior race. Furthermore, because of this categorization the colonized people were penalized and criminalized. Using Fanon's notion of the colonial situation, this was a "contact of races in which the numerically inferior alien race was actually the sociologically superior race" (Jinadu 1986, 416).

It seems that neither the famous theories of moral philosophers, such as Rousseau, influenced the work of criminologists whereas Beccaria had echo in the New World. Neither the social contract nor the principles of criminal law were applied in the Americas. On the contrary, on the one hand the colonized were victims of such social contract. They were forced to get into the ideological assumption of a pact between the state and its society, which had its foundations in a Eurocentric perspective. On the other hand, the punishments applied to the colonized people were arbitrary, unjustified as well as disproportional. Entire groups of people were

punished and repressed for been considered moral and physical inferior, the Spaniards developed policies that set the boundaries between the rulers and ruled based on the notion of difference within races focused in their attributes and abilities. Hence, colonizers shaped policies, religion and laws in the colonies, with preconceived ideas of what was to be a developed and advanced culture. These practices were used as a mean to maintain false conceptions of rightness and superiority. Noteworthy to consider is that colonizers took ideas from Charles' Darwin biological evolution theory; where species and human beings competed for survival, in which those who were superior governed by rules like natural selection and survival of the fittest will triumph in the evolutionary process (Schmallegger 2012, 1). In lights of this, they codified social control systems which underlie the idea that the less intellectual races [are] exterminate (Trevor R. Getz 2011, 12).

Obviously, the colonized had fewer possibilities to survive in the struggle of the colonization process because of the conditions in which they were forced to live. They were deprived of proper food, housing and to their traditional ways of living. Also, important to consider is that colonization was also an exchange of microbes, some examples of the diseases they were exposed to were influenza, smallpox and among others, which placed the colonized civilization under threat and made them be in a vulnerable position. As a result, they were in fact physical inferior, but because of the violations inflicted by the colonizers. Nevertheless, these situations were used as evidence to support the colonizer discriminatory practices, which reinforced binaries, such as superiority/inferiority and civilized/savage.

## COLONIALISM RIGHTS AND LAW

Although, the twentieth century is said to be the century of the rise and the triumph of human rights, this is nothing less than a paradox (Douzinas 2000, 19) due to the fact that this era has been witness to the very worst of human rights' violations. Even though the 1948 Universal Declaration of Human Rights proclaimed dignity, human equality and freedom as the core principles for the international community, there remain significant doubts about the extent to which these rights are truly universal. Globalization has arisen in the aftermath of colonialism and indeed

postcolonial theory would allude to the ongoing effect of neo-colonialism in perpetuating inequality and exploitation. In many ways Globalization has served to further widen the gap between rich and poor, East and West and North and South. Not all groups of people enjoy the protections of international human rights law, as Jaques Derrida claims: "no degree of progress allows one to ignore that never before in absolute figures, have so many men, women, and children been subjugated, starved, or exterminated on earth" (Douzinas 2000, 316).

Without surprise, Post colonialism is critical due to the dominant conceptualisation of rights. Human rights and international law can be seen as a “historical continuum of the Eurocentric colonial project” (Mutua M 2001, 42). It is important to critically examine who determines what is considered universal, and which ideologies; moralities and interests are behind the narratives of legal positivism. The European ethos (Eslava L & Pahuja S 2012, 281) is embedded in international law; as a result, it has created false positions of superiority and subordination as well as binaries that materialised during colonisation, such as civilised/barbarian, developed/developing and among others, which still have echoes in today’s world (Eslava L & Pahuja S 2012, 281).

It is crucial to remember that colonialism was not only an exploitative process over land; it was also a ‘cultural conquest’ of indigenous beliefs, religion, art and conceptions of order. Postcolonial studies allows people to rethink how international law has been framed and understood, but also to question the way in which its’ Eurocentric positioning continues to shape the world.

The colonized people in the Americas were bound to laws and social system that they first of all did not consent to and furthermore would not protect them. Anghie (2005) notes that conceptualisations of international law and European sovereignty were not just confined to Europe. Whilst ideas and happenings in Europe had a strong influence on the discourse on sovereignty, European colonialism also presented challenges. In his ‘Sovereignty Doctrine’, Anghie maintains that the famous Spanish theologian Victoria’s formulation of sovereignty based upon a universal law had to be reformulated in the attempt to address the problem that the Spaniards had in dealing with the native populations. Here we can

see how the claim to universal laws can in many cases offer more benefits to powerful groups and in effect this reformulation of sovereignty helped the colonisers to justify their own claims over the native lands and resources. Furthermore, it demonstrates some of the complexities to colonial claims over foreign territory and the ability of justifications for colonialism to evolve over time.

Criminal law is one of the most ancient realms of law. It is also one of the most powerful tools of *legem* in all times. It has been used to control society by coercive measures, but at the same time the people over whom the power is exercised have legitimized it. Critical criminology claims that the ‘hegemony-building and the articulation of state power implies an intimate interrelation between coercion and consent’. Thus, crime is a meaningful construction defined according to particular circumstances and under specific social processes. Furthermore, it has long been known that criminal justice contributes to the social construction of racial identities. Perhaps, one of the causes of racial crime could be colonialism. Indeed, it might be said that as a consequence of the “bloody legacy of colonialist criminology” (Agozino, *The Criminology of Madiba Mandela: A Tribute* 2013) as well as a biased international law, exclusion and marginalization has occurred in a systematic way. It has led to racial and ethnic over-representation of minorities within the criminal justice system. In the words of Sumner, an “historical perspective on criminal law must inevitably turn us towards colonialism...crime is not a behaviour universally given in human nature and history, but a moral-political concept with culturally and historically varying form and content” (Chris 2011, 10). It is therefore necessary to adopt a critical position about assumptions of crime that have been historically created.

## COLONIALISM AS AN ONGOING PROCESS

From a postcolonial perspective, colonialism should not be viewed simply as a historical event but as a structure and an ongoing process that still has ramifications for the present as well as the future. Indeed whilst of European colonialism within the Americas first occurred in fifteenth century its influence today still permeates. As Chris Cunneen has strongly argued, colonialism not only has a past dimension, but also is part of the present and it is a continuing process.

Nowadays, what is known as the new Imperialism and/or neo-colonialism has created a powerful-shared worldview that may be more exclusive than former models of colonialism. A shared legal-criminological language has turned society blind to different practices; as a consequence, other conceptions of social control just do not exist in this world. As Antonio Gramsci has termed this is what is known as intellectual hegemony, which is the political leadership based on the consent of

the led, a consent which is secured by the diffusion and popularization of the world view of the ruling class, this coupled with the unquestioned criminal justice, which governs the world, has created a dysfunctional criminal system. Thus, even now in the twenty first century, it might be accurate to suggest the society in general is constrained by the structures of colonialism that sought to segregate, classify and control. Thus, it is not far-fetched from Biko Agozino's stand that criminology has been a tool in the exercise of power and control towards the 'other' that has demonstrated to be in complicity in the imperialist project (Agozino, *Counter-Colonial Criminology: A Critique of imperialist Reason* 2003, 105-131) because it has overlooked the impacts of colonialism in its epistemological construction.

Therefore, it is clear that there is a need to include postcolonial theory into criminology as a mean to provide an opportunity to listen to the voices silenced by colonialism, neo-colonialism and imperialism. In the criminological field, this is to challenge preconceptions of crime and criminality. In other words, is to confront the categorization of crime by understanding that is no more than a product of a political and historical tension between the colonial states and the resistance of the colonized people (Chris 2011, 10). Regarding Latin America process of colonization as it has been mentioned, the forcefully implementation of universality of knowledge and practice has deployed violence and racism. It had two main impacts, firstly it created cultural identities and secondly it was a weapon used for political means. Regarding the implication is that the vast majority of colonized people were forced to be part of determined social parameters due to outside

factors namely, ethnicity, color and gender. It is believed in moral psychology that if there is a negative stereotype of one group in a certain domain, being reminded of it; for instance, being criminalized for being a member of certain group, affects their performance in that domain; hence, being exposed to negative stereotypes have pernicious effects. Therefore, individuals' as well as group identities were crucial for shaping and reinforcing the colonial practices.

On the other hand, the desire of countries from Latin America to modernize them and emerge from the status of underdeveloped countries has made them adopt, as Cohen mentions, bits and pieces of post-war criminology policy (Ronnie Lippens 2004, 8). The transfer of criminological practices in Latin America fail to be implemented successfully because authoritarian leaders that were governing in that time were supporting neocolonialism projects of the hegemonic powers. In order to maintain their dominance they import criminology models and polices in a very selective way. They gave priority to highly authoritarian policies that were justified under the name of social defense; however, from this doctrine only the defense part was adopted while the social part was intentionally neglected. Both conditions the internalization of cultural imperialism and the implementation of Western social programs in a region in which the sociological conditions were not in pace for it (Ronnie Lippens 2004, 12) led to the over-representation of marginalized people within the criminal justice system. This is, how the implementation of certain policies serves to elites to keep their dominance, which in the long term creates racialization.

## PROBLEMS WITH CRIMINOLOGY'S EUROCENTRISM

It is generally known that the role of criminology is to explore the consequences, the causes and the possible solutions of 'crime', but what happens when the theories that have been developed have overlooked colonialism and its effects? To repeat, it should be noted that criminological theory has been created from Western-European perspectives, and has ignored the Third World or 'treated it in an most theoretically primitive fashion, and the general literature on development and colonialism is remarkably silent about crime' (Agozino, *The Criminology of Madiba Mandela: A Tribute* 2013). Hence, it can be said that criminology has been an

accomplice to the imperialism project, because when defining what constitutes crime and when exploring the ways to ameliorate the harms produced by this phenomena; traditional criminology has tended to marginalise both the ideals of justice and the different procedures of dealing with 'crime', which were and still are present in other cultures.

Nowadays, Western understandings of crime and the mechanisms used for social control are so embedded in the system that it can often escape public scrutiny even when it undermines human rights. Unfortunately, the

consequences of colonialism still persist. Likewise, the Spanish colonizers killed the last Inca Atahualpa in the XVI century based in the criminal law and practices they created and imposed. In the XX century the Chilean president Salvador Allende was assassinated as a consequence of neocolonialism practices. Indeed, this is one of the most infamous cases of western dominance over Latin America, which produced the torture and death of thousands of innocent people. Again, this is just an example of the continuing consequences of colonialism. Nowadays, crime is one of the major concerns of Latin American governments. Not only is it within their main duty to preserve citizens' security, but also there is a trend of states governing through crime. It can be argued that authorities justify their actions, policies and practices as means to set their political models and desired dimensions of governance (Simon J 2001, 250). Hence, many politicians have used the term 'war on crime' as a marketing slogan for their political campaigns, which has been translated into what is known as penal populism.

For instance, the very well known 'war on drugs' as part of the generic 'war on crime' have had many negative impacts on Latin America, namely in Nicaragua, Guatemala with the 'Operation Cleanup', Colombia with the 'Plan Colombia' and in Ecuador with the plot with the right-wing party and its 'war on drugs'. For example, it is interesting to observe in the Ecuadorian case that due to the influence and pressure from the United States, there is an inadequate application of laws regarding drugs. For example, Law 108 in Ecuador led to the unnecessary imprisonment of marginalized people in the Ecuadorian criminal system. As a matter of fact, between 1993 and 2007, over 40 percent of all prisoners in Ecuador had been incarcerated for offenses related to drugs (Southwick 2013). These are a few examples of how the continuing process of colonization has exploitative consequences in crime control, which creates over-representation, racialization and victimization. Moreover, as Summer claims, crime is a 'moral-political concept with culturally and historically varying form and content' (Chris 2011, 11) taking these practices for granted is one of the major mistakes of criminology and as a consequence in criminal law.

Nevertheless, not all is pessimistic in the field. In fact, there are some countries in Latin America region that are turning back their gaze to history in order to understand and adopt indigenous practices for social

control. Indeed, in 2008 in Ecuador, the Constitution was amended and among many other changes it introduced indigenous criminal justice. It recognized Indigenous Judicial as a government branch, which has the same power for administrating justice as the ordinary judicial branch. It underpins the connection of indigenous practices and rituals with the nature, which seeks to reestablish order with the *Pachamama* (mother nature). This is a key starting point to decolonize some of the concepts of law and order. As Erin Fitz argues 'this new legislation would significantly challenge Western conceptions of Nature as property and bring indigenous understandings of the Pachamama into law' (Fitz-Henry 2012, 266). However, even though this represents a big step in the justice and criminal arena, there still remains little research developed about criminology theory per se. Perhaps this new approach of criminal justice can be an opportunity to go beyond the traditional colonialist scope of criminology and to better understand about how crime and violence can be viewed within Latin America.

However, it is important to mention that criminology in Latin America has also had its own development, in 1878 the Argentinean Jose María Ramos Mejía, was the first one to write about criminology, in 1898 Luis María Drago wrote "*Las neurosis de los hombres célebres en la historia Argentina*", which was very famous and recognized in the criminology arena, to the extent that Lombroso was the person who wrote the preface of the book. Also in 1888, the Criminal Anthropology Society was founded in Buenos Aires. The academia surrounding criminology, as it can be noted, had an impact from biological and psychological positivism; it is only after Second World War, that in Latin America, it starts to appear ideas of critical criminology, as a consequence of the social inequality that the continent was going through (Social 2011).

It is necessary to say that critical criminology "employs a dialectical method of thought, in which contradictions continually appear and disappear into new synthesis" (John 2014, 90). The central figures in Latin America were the Brazilian Roberto Lyra Filho "*Criminología*" in 1964; the Venezuelan Elio Gómez Grillo "*Introducción a la Criminología*" (1966); the Colombian Alfonso Reyes Echandía "*Criminología*" (1968); the Mexican Luis Rodríguez Manzanera "*Criminología*" (1982) and the Argentineans Osvaldo N. Tieghi, Roberto Victor Ferrari and Eugenio Raúl Zaffaroni, one of the most

critical theorists of the region (Social 2011). All of the authors mentioned, have seen critical criminology as a point of debate, as a theory that searches internal contradictions and specially gaps in a system, it is a point where something different can emerge.

In the last years, many authors have dedicated entire works to critical criminology, for instance Elena Larrauri with “*La herencia de la criminología crítica*” and Gabriel Ignacio Anitua “*Historia de los pesamientos criminológicos*”; however, none of them has introduced postcolonial theory as part of their postulates. As Jaumes Peris Blanes says: “The emergency of postcolonial issue in the Latin America studies in the 90’s showed the limits of the debate on postcolonial interest” (Blanes 2010) this statement it is not far from true, as it has been said little interest from the criminology perspective has been put into postcolonial theory in the region. Latin America criminological knowledge cannot overlook that although colonizers are seen to be long gone, their legacy of the colonial structures lives on (Wolfe 2000).

Needless to say, all this amnesia regarding colonialism and its consequences might be one of the reasons of the high rates of criminality in Latin America. It is important to consider that the struggle for survival by non-Spaniards people in their own land raised feelings of anxiety and hatred. The oppression of people in their own territory and the profound changes to their social structures brought resentment. Also, it becomes essential to take into account the systematically violent intervention by neocolonial power forces in the region occurred in the twentieth century. It is not that Latin America’s homicide and crime rates are accidental, they are product of history, which has to be critically revised and reassessed. Furthermore, it is necessary to find the differences between the two genres of colonialism, which Ashis Nandy’s draws on. One type was more violent and it was focused in territorial occupation whereas the second was committed to the conquest not only of land, but also of minds and bodies (Ghandi 1999). Thus, it leads us to ask if it is possible to suggest that in colonized places in which more confrontation and struggle of classes between the colonizers and colonized occurred, is that where nowadays more crime is seen? Is it just a matter of coincidence that in places in Latin America, such as in Argentina, Uruguay and Chile in which colonization could be seen as a type of settler colonialism (which will be explained further) are places of less violence in the region? Both these

questions go beyond the scope of this essay; however, it is not only interesting to look comparatively over the Latin America to establish explore how different types of colonialism are potential factors to violence and crime, but it also an important area that needs more criminological investigation.

Although there is an urge of a corpus of postcolonial work in Latin America, there is no deep research of postcolonial studies in the region. Thus, as Fernando Coronil has exposed the aim for postcolonial studies should be to expand its geographical scope and also its temporal depth by opting for a “tactical postcolonialism”, which perceives the discipline ‘not as a fenced territory but as an expanding field for struggles against colonial and other forms of subjection’ (Coronil, 2013, p. 3). Moreover, one of the roles of university academics and intellectuals should be to reverse the colonial order with the aim of achieving further alternatives for social justice and democracy.

Therefore, borrowing Fanon’s words in such situation, there is a claim of native intellectuals to go beyond the domains of Western culture. More simply, this epistemological stand should not be perceived as a luxury, but as an obligation with their own people (Brydon 2000). Concerning criminology, it should not only aim to incorporate postcolonial theory, but also to create a ‘tricontinentalism’ criminology -using Robert Young’s term, to include anticolonial thoughts of Africa, Asia and Latin America in the discipline.

Furthermore, it is important to take into account the type of criminological knowledge that has been thought in Latin America, particularly in the South. Criminology studies have a limited development in the region and to even lesser extent in South America. In fact, the only criminological centers that are dedicated to teaching criminology have been constrained to neoclassical and positivist repressive criminological theories, which are mainly focused in policing, medical forensic investigation, and prison administration. Indeed this can largely be seen as a product of the hybridization of culture-knowledge of the encounter between colonized and colonizer.

The colonial process is embedded in ideological constructions of colonial laws that have exploitative consequences even today. Despite the comparatively high levels of violence in Latin America, criminology’s

contribution to analysing the harmful effects of colonisation and neo-colonisation in this part of the world has been minimal.

One of the keys roles for criminology should be to examine how different types of colonialism intersect and have continuing influence today. Here it should be important to note Wolfe's important distinction between settler colonialism and other types of colonialism based on economic and labour exploitation. Settler colonialism could be seen to take place in states such as Australia and The Unites States. Here the main consideration for colonisation was the control and the use of the land where there is no cessation of settler colonialization, because the colonists never leave, with the colonial structure remaining. Here the 'logic of elimination' takes place whereby the settler population with the native population being removed from the land and assimilated into the colonial structure replaces the native population. However, in Latin America there was a different type of colonialism, it was centred on the economic and labour exploitation where wealth from foreign lands were brought back to mainland Europe.

Criminology should then canvass the repercussions that each type of colonialism has had in the colonised countries. It is possible that the way in which colonisation manifested in the region might be one of the reasons for the high rates of crime. In places where huge massacres of indigenous took place and then those who survive were confined to reservations there is less rates of crime. Whereas in places in which there were a constant labour exploitation and more class

stratification, crime rates are high. It is important to be clear, that one way of colonisation is not better than the other, but it is crucial to do further research about the topic in order to determine what makes one region very different from the other when it comes to violence and crime issues.

Unfortunately, data show that while in the rest of the world the rates of homicide have decreased from 0 % to -50%, in Latin America, the rates have increased to 12%. Indeed, in the last decade more than one million people have died in the region as a consequence of violence and criminal acts (United nations Development Programme 2013). Some questions arise in relation to these statistics: what has criminology developed in order to find solutions to these problems? What makes Eurocentric-Western criminology theorists believe that programmes that are 'off-the-shelf' (Chris 2011, 15) will be effective and affective in the postcolonial world? There is something that criminology has (un) intentionally forgotten to embrace. In the words of Biko Agozino:

[There is a] need to compare criminological theories and methods according to whether they are pro-imperialist or anti-imperialist in orientation in order to show what criminology has been missing by ignoring marginalised voices of the other in its institutional development or what criminology could learn from anti colonial struggles (Agozino, Counter-Colonial Criminology: A Critique of imperialist Reason 2003, 350)

## CONCLUSION

In conclusion, criminology has to embrace postcolonial theory as a call for opening the dialogue with other conceptions of crime and criminality. Western criminological cannot escape its liability of complicity with the imperialism project. Therefore, it should introduce postcolonial theory in order to have better insights of the colonial past and its impacts on the development of the discipline. Moreover, it might incorporate experiences of crime and control that are used in postcolonial countries in order to construct a more reflexive and inclusive knowledge. Perhaps these practices would be important tools towards the decolonization of the discipline. However, the aim of this

essay is not to stay in the nostalgic terrain of colonialism and its consequences, it is to exhort to Latin American criminology intellectuals to develop and improve their own criminology theories. The aspiration has to be that western academics can incorporate to their criminology teachings former colonized practices and visions of crime and social control. At the end this will enrich criminology. It would make it more pluralistic, real and practical, especially for its application in places, such as Latin America in which crime is a day-to-day issue. It is a theoretically urge to dig into the archives of criminal justice in Latin America in order to explore new paths for developing the discipline of criminology. If it is the

region will to become a safer place and step away from the astonishing crime rates which are darkening Latin America territory and communities, then it is necessary to produce and not to only re-produce criminological knowledge. It has to create their own theories according

to the regions' own reality and necessities. Getting to know the intersections between the 'colonial past' and the 'postcolonial present' will aid to find better counter-measures to this social problem that affects every person in the region.

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