

Criminology beyond crime



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This free course provides a sample of postgraduate study in Criminology

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Introduction

Large-scale human, social or global harms are areas that critical criminologists have been examining for some years. In the increasingly globalised world of the twenty-first century, such endeavours have become central to the critical enterprise. To this end, notions of a 'supranational criminology' (Smeulers and Haveman, 2008) have been developed. This area of critical criminology is concerned with the study of international crimes, harms, and violations that have an impact on a mass or global scale – for example, war crimes, torture, genocide, crimes against humanity, and human rights violations. In this OpenLearn course, the notion of 'social harm' is introduced as an alternative to the legal definition of 'crime'. This casting off of the constraints of a strictly legal definition of crime removes some of the geographical and historical contingency that has hitherto limited the concept of crime. Further, the notion of 'social harm' allows for a broadening of the criminological gaze to include considerations of human activities that cause serious damage to human and social life but which may fall outside the narrow confines of 'criminal justice'. As an example, developments in Green Criminology are considered. This OpenLearn course provides a sample of postgraduate study in [Criminology](#).

Learning Outcomes

After studying this course, you should be able to:

- describe what the social harm perspective has contributed to critical criminology
- provide a brief overview of supranational criminology and what is included within it
- provide examples of the difficulties associated with researching global harms and global perpetrators
- identify the central features and contributions of a Green Criminology.

Within and beyond criminology

In 1983, the Australian criminologist Richard Harding asked ‘what do criminology and criminologists do to decrease the chances of the extinction of mankind and the destruction of the planet?’ (1983, p. 82). Harding, writing during the Cold War and the height of nuclear proliferation, asserted that criminology must move beyond local issues and become a global enterprise that engages with issues of international significance. He challenged criminological thinkers to not only wrestle with pending global issues that threatened the extinction of the planet, but also to begin thinking about the ways new technologies and global insecurities posed potential environmental, social and economic injustices on an international scale.

Harding’s question requires criminologists to think outside nation-state and strict legalistic boundaries and to pursue what has been referred to as a ‘supranational criminology’ (Smeulers and Haveman, 2008). This course examines some of the ways that critical criminology has been applied to new areas of criminology and continues to fundamentally challenge what criminology is about. We start with the concept of ‘social harm’ (Muncie et al., 2010; Tombs and Whyte, 2010). The concept of social harm can be used to open up the possibilities of new narratives in such areas as Green Criminology and eco crime, human rights, and human security. It creates new considerations of how to govern global social relations and alternative ways of conceiving justice. Within this framework, it is possible to consider a wider variety of social and criminological concerns, which are difficult to contain within the existing structures of nation states or within legalistic approaches to criminology, and continue to vex existing state and interstate strategies of control.

From crime to social harm

The concept of ‘crime’ is most frequently conceived as a legal construction (Lacey, 2002). Among the difficulties with such a construction is its historical, geographic, and state-defined contingency. That is, what is defined as a ‘crime’ can differ according to time, place, and political decision making. Furthermore, as global social relations become more fluid, the concept of crime holds certain limitations in contemplating the range of human activities, events, and forces that may result in human suffering or environmental or global harm.

Paddy Hillyard and Steve Tombs (2007) have been influential in pushing the boundaries of how critical criminologists think about and define the concept of ‘crime’. They were among the first within criminology to engage in a thorough examination of the notion of ‘social harm’ and have suggested that it might form a broader more inclusive picture of the causes of human suffering and environmental global harm than traditional studies of ‘crime’ and ‘criminals’. What their argument offers to criminology – and social life more generally – is a more inclusive and imaginative picture of the range of harms that individuals, communities or whole societies may be subjected to. These encompass consideration of the activities of not just individuals, but also of local and national states

and corporations, political regimes and ideologies, and social institutions (including criminal justice systems).

Hillyard and Tombs have critiqued aspects of 'mainstream' criminological enquiry for failing to 'be self-reflective regarding the dominant, state-defined notion of "crime"' (p. 11), and for continuing to operate under the assumption that it is possible to explain why certain people commit 'crime' despite the fact that 'crime' is a socially constructed concept. They argue that a social harm approach can, by contrast, form a basis for a more accurate picture of the range of harms and causes of human suffering that can affect people during their lifecycle (p. 18). That is not to say that the concept of 'social harm' is without analytic problems in its definition. It is, admittedly, broad and may include anything from physical to financial, social, or cultural damage. In this sense, 'harm' is no more definable than 'crime'. However, as Hillyard and Tombs argue, unlike 'crime', the concept of harm can be constituted primarily by its operationalisation, rather than a strictly defined legal system. That is, 'harm' can primarily be defined as such by those who have experienced or witnessed it. The concept of harm, therefore, may be more responsive to considering the range of causes of human suffering than the concept of 'crime'.

Social harm

Importantly, the concept of harm has made it possible to extend the criminological gaze beyond national borders to include illegal and harmful acts involving powerful elites, such as governments and political leaders. The problem of state crime and culpability is an area that has attracted much consideration from critical criminologists for many years. In 1970, Julia and Herman Schwendinger, influenced by US foreign policy failures and the Vietnam War, argued that state institutions that tolerated, perpetuated or failed to prevent human rights abuses such as racism, sexism, or poverty were not only negligent in their civic duty but co-conspirators in crimes against humanity. From these analyses discourses emerged that began to link criminology to the preservation of human and social life and to the enactment of human rights.

Key features of social harm

- Encompasses social, economic, psychological and environmental injury or damage inflicted on society either intentionally or unintentionally
- A concept that enables criminology to move beyond legal definitions of 'crime' to include immoral, wrongful and injurious acts that are not necessarily illegal
- Originates theoretically from Edwin Sutherland's 1945 work 'Is "White Collar Crime" Crime?'
- Key theorists who have worked from a social harm perspective:
 - Paddy Hillyard
 - Christina Pantazis
 - Simon Pemberton
 - Larry Tifft
 - Steve Tombs.

Source: adapted from McLaughlin, E. and Muncie, J. (eds) (2001)

Supranational criminology

The concept of harm has added much to the branch of the discipline often referred to as supranational criminology. The pertinence of this branch of criminology has become more striking with the onset of globalisation. The growth of world-wide communication systems and the rapid rise of instant information sharing has created, according to Marshall McLuhan (1962; 1964), a 'global village' which is, in part, characterised by heightened awareness of the breadth of human responsibility and the potential consequences of human activity. At the same time, this global village – and the increasing connectedness of ideas and trade through multilateral agreements and communication technologies – has provided new international contexts for criminality that criminology cannot ignore. The trafficking of human beings and human body parts; the smuggling of wildlife, drugs, weapons and antiquities; the laundering of money and the theft of biodiversity; and the contamination of air, soil and water from pollution are some examples of the ways global trade networks provide contexts for new and emerging forms of criminality. While international criminal organisations are involved and profit from such actions, it is democratically elected governments that often facilitate, contribute, justify or 'turn a blind eye' to behaviours that result in widespread social injustice.

One of the founders of supranational criminology, Annette Smeulers summarises it as follows:

Supranational criminology is thus an interdisciplinary research area with close links to criminology, sociology, psychology, history, philosophy, political science and law, amongst them. This extremely broad research program can be split into several core issues and central questions, which all signify a specific research area. The six main research areas are:

- 1 Define and conceptualize international crimes
- 2 Measure and map international crimes
- 3 Estimate social costs of international crimes
- 4 Investigate the causes of international crimes
- 5 Define and analyze ways of dealing with international crimes
- 6 Develop preventive strategies in order to prevent international crimes.

(Smeulers, 2006, p. 3)

Key features of supranational criminology

- Supranational criminology was officially launched on 2 September 2005 at the European Society of Criminology conference in Krakow
- Examines international crimes and gross human rights violations
- Emphasises the need of an interdisciplinary approach to examining international crimes
- International crimes differ from ordinary crimes in the sense that they are committed systematically and often on a very large scale
- May include political crimes, ideological crimes and crimes of obedience (following orders)

- Key theorists who are concerned with supranational criminology:
 - Gregg Barak
 - Caitrien Biljeveld
 - Penny Green
 - Roeloff Haveman
 - Alette Smeulers
 - Rene van Swaanigen.

[For more information, visit the Supranational Criminology Website.](#)

Green Criminology

One type of supranational criminology – and also an independent critical criminological perspective – is Green Criminology. This critical perspective is devoted to harms against the environment. The term ‘Green Criminology’ was first coined by Nigel South in the late 1980s. It has also been referred to as eco-critical criminology (Seis, 2003); conservation criminology (Herbig and Joubert, 2006) and eco-global criminology (White, 2009). The prefix ‘eco’ derives from the Greek word oikos meaning habitat or home and the Latin oeco meaning household relations. ‘Eco’ is used scientifically in the study of ecology to understand the complex networks of evolution and interaction involving species and their habitats. It is also used holistically to refer to both human and non-human species and to embrace social, political and cultural perspectives, experiences and existences of human and non-human interaction with changing environments. In the term ‘eco crime’, we see these meanings combined with those of ‘crime’, which originates from crimen (to accuse, injure, harm –Pavlich, 2000), to create a term which describes the injuries or harms to habitat (Walters, 2010a).

Key features of Green Criminology

- Focuses on eco crimes – harms to humans, non-humans and the natural environment
- Theoretical roots embedded within the traditions of radical criminological schools of thought such as feminism, Marxism and social constructionism
- Interdisciplinary scholarship committed to the protection and conservation of environmental resources and the prevention of illegal and harmful acts that threaten or damage the natural environment
- Is aligned with green activists, green politics and international bodies of regulation.

Source: adapted from Walters, R. (2010a)

Three theoretical tendencies

Listen to Parts 1 and 2 of the audio below, Green Criminology: an interview with Reece Walters.



Figure 1 Reece Walters

Audio content is not available in this format.

[Green Criminology: an interview with Reece Walters \(part 1\)](#)

Audio content is not available in this format.

[Green Criminology: an interview with Reece Walters \(part 2\)](#)

As the interview with Reece Walters on the audio recordings reveals, two key figures in the founding of Green Criminology, Piers Bierne and Nigel South (2007, p. xiii) argue that at its 'most abstract level' it includes the study and acknowledgement of 'those harms against humanity, against the environment (including space) and against non-human animals committed by both powerful organisations (e.g. governments, transnational corporations, military apparatuses) and also by ordinary people'. However, the main focus to date – and that which has generated the greatest amount of Green Criminological scholarship – has been on acts of 'the powerful' in causing widespread and long-term

environmental damage. As Rob White (2008) argues, it is important to note, that there is no one green criminological theory but rather a series of perspectives that draw on various philosophical, sociological, legal and scientific traditions. He identifies three 'theoretical tendencies' that form the basis of an eclectic theoretical enquiry into Green Criminology, namely environmental justice, ecological justice, and species justice.

Environmental justice is a human-centred or anthropocentric discourse with two dimensions. First, it assesses the equity of access and use of environmental resources across social and cultural divides. Who has access to the benefits and profits of natural resources and why? Second, it asks what factors prevent all people from sharing equally in the environment? For example, toxic dumping, chemical spills, industrial pollution, nuclear testing, illegal fishing and wildlife poaching, and contamination of drinking water all have adverse side-effects that do not victimise all people equally. It is indigenous people, ethnic minorities, the poor, and often women, who are most affected by such injustices (Walters, 2010a).

Ecological justice, on the other hand, focuses on the relationship or interaction between humans and the natural environment, *without* prioritising humans (White, 2008). When humans develop the environment for material needs (housing, agriculture, business, consumption), ecological justice insists that such actions be assessed within the context of damage or harm to other living things. This position is often referred to as an 'ecocentric' understanding of human and nature interaction. Some may criticise this position because it lacks 'reality,' as political action will always be from a human perspective. That is, the reality of harm, existence, development, progress and so on will always be defined and responded to by humans. Yet ecological justice argues that an environmentally centred perspective that upholds the importance of living creatures as well as inanimate and non-living objects (such as soil, rock, water, air) provides useful insights for guiding future economic and developmental decisions (Walters, 2010).

Species justice is a non-human or biocentric discourse that emphasises the importance of non-human rights. It asserts that human beings are not the only creatures with rights, nor are humans superior beings. In other words, there is no hierarchy of existence with human beings at the pinnacle. All living things in existence share an equal status of importance. Beirne and South (2007) argue that to prohibit or disregard non-human creatures as not of equal standing within the natural environment denies the value and worth of those species. Conversely it may be argued that existence or survival (and indeed evolution itself) is dependent upon one species consuming another. As White (2008) identifies, an analysis from this perspective aids a critique of how rights are constructed. It allows us to question the bases from which rights are created and protected. If rights are about ensuring health and well-being while minimising pain and suffering, then humans are not the only species to experience such emotions.

Conclusion

The concept of social harm can be used to open up the possibilities of new narratives in critical criminology, such areas as Green Criminology and eco crime, human rights and human security. It creates the opportunity for new considerations of how to govern global social relations and alternative ways of conceiving justice. Within a social harm and supranational framework, a variety of social and criminological concerns can be thought about differently.

Review questions

- Does criminology have boundaries? If so, how are they determined?
- What has the social harm perspective contributed to critical criminological theory?
- What can supranational criminology offer to the criminology discipline?
- What are the advantages and disadvantages of a Green Criminology?

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Further reading

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