

Questioning crime: social harms and global issues



About this free course

This free course is an adapted extract from the Open University course DD804 *Crime and global justice* www.open.ac.uk/postgraduate/modules/dd804 .

This version of the content may include video, images and interactive content that may not be optimised for your device.

You can experience this free course as it was originally designed on OpenLearn, the home of free learning from The Open University –

www.open.edu/openlearn/society-politics-law/questioning-crime-social-harms-and-global-issues/content-section-0

There you'll also be able to track your progress via your activity record, which you can use to demonstrate your learning.

Copyright © 2019 The Open University

Intellectual property

Unless otherwise stated, this resource is released under the terms of the Creative Commons Licence v4.0 http://creativecommons.org/licenses/by-nc-sa/4.0/deed.en_GB. Within that The Open University interprets this licence in the following way:

www.open.edu/openlearn/about-openlearn/frequently-asked-questions-on-openlearn. Copyright and rights falling outside the terms of the Creative Commons Licence are retained or controlled by The Open University. Please read the full text before using any of the content.

We believe the primary barrier to accessing high-quality educational experiences is cost, which is why we aim to publish as much free content as possible under an open licence. If it proves difficult to release content under our preferred Creative Commons licence (e.g. because we can't afford or gain the clearances or find suitable alternatives), we will still release the materials for free under a personal end-user licence.

This is because the learning experience will always be the same high quality offering and that should always be seen as positive – even if at times the licensing is different to Creative Commons.

When using the content you must attribute us (The Open University) (the OU) and any identified author in accordance with the terms of the Creative Commons Licence.

The Acknowledgements section is used to list, amongst other things, third party (Proprietary), licensed content which is not subject to Creative Commons licensing. Proprietary content must be used (retained) intact and in context to the content at all times.

The Acknowledgements section is also used to bring to your attention any other Special Restrictions which may apply to the content. For example there may be times when the Creative Commons Non-Commercial Sharealike licence does not apply to any of the content even if owned by us (The Open University). In these instances, unless stated otherwise, the content may be used for personal and non-commercial use.

We have also identified as Proprietary other material included in the content which is not subject to Creative Commons Licence. These are OU logos, trading names and may extend to certain photographic and video images and sound recordings and any other material as may be brought to your attention.

Unauthorised use of any of the content may constitute a breach of the terms and conditions and/or intellectual property laws.

We reserve the right to alter, amend or bring to an end any terms and conditions provided here without notice.

All rights falling outside the terms of the Creative Commons licence are retained or controlled by The Open University.

Head of Intellectual Property, The Open University

Contents

Introduction	4
Learning Outcomes	6
1 Introducing criminology, zemiology and social harm	7
1.1 Introducing 'crime' and 'harm'	8
1.2 Power and inequality in the study of social harm	10
2 What sort of a disaster was Hurricane Katrina?	12
2.1 Structural inequality and ways of seeing 'natural disasters'	13
2.2 Johan Galtung and structural violence	14
2.3 Criminology and Hurricane Katrina: understanding 'natural disasters' through a legalistic approach?	15
2.4 Hurricane Katrina and the social harm approach	16
2.4 'Natural disasters' and social harm	18
3 Corporations, prisons and global perspectives on crime and harm	19
3.1 The prison industrial complex	19
3.2 Global governing of prisons in Britain?	21
3.3 The media, think tanks and the prison industrial complex	22
3.4 Prisons and social harm	22
3.5 Corporations, prisons and global perspectives on crime and harm	24
4 Social harm and the 'War on Terror'	25
4.1 The 'War on Terror'	25
4.2 What is terrorism?	26
4.3 Two discourses of terrorism	27
4.4 Counting the costs of the 'War on Terror': a social harm analysis	28
4.5 Security: do the ends justify the means?	30
4.6 'Reconfiguring security and liberty'	31
4.7 The 'War on Terror' and social harm	34
5 Sources of support	35
Conclusion	38
References	38
Acknowledgements	40

Introduction

This free course, *Questioning crime: social harms and global issues*, introduces the concept of social harm as an alternative to the more familiar concept of 'crime' as a basis for studying aspects of the social world which are damaging or harmful. It moves beyond the assumption that actions which are against the law are necessarily the most harmful types of behaviour and also questions the assumption that harms are limited to the actions of individuals. It encourages you to think more broadly about harm than the traditional focus on crime in both the academic subject of criminology and in culture more generally, which can obscure some of the most problematic and harmful aspects of contemporary societies.

The course poses questions about 'what', 'where' and 'who' in relation to harm and crime. It introduces you to debates about the responsibilities for these harms and whether and how they are criminalised, using three main examples to investigate these themes: Hurricane Katrina, imprisonment, and the 'War on Terror'.

Key issues that will be examined in understanding harm and crime are power, inequality, and global connectivities. These are used to examine how society acknowledges, accepts and debates ideas around crime and harm, and to encourage you to develop a critical understanding of the nature of crime and social harm along with the ability to question common sense understandings of these topics.

As a starting point, the role of power and inequality are central to recent debates about how criminology has – or needs to – determine its focus, and whether a different approach is needed. Traditional criminology has focused on the causes of crime, and on how crime patterns are measured, predicted or should be dealt with or reduced through policy measures. Over the last 50 years or so, though, critical perspectives have developed and become more prominent in criminology, and they have made issues of power and inequality central to their focus. According to these perspectives, a closer look is needed at the power of certain groups and institutions, notably the state, but also other powerful institutions including the media. Many of these newer criminological perspectives noted how the state and other institutions focus attention on less powerful groups, such as certain neighbourhoods, social classes and age groups, and brought them into the criminal justice system. It was argued that states and others thus not only portrayed them as the main cause of crime, but deployed resources to their criminalisation. Thus these state and media processes were seen to criminalise certain groups and not others, while attention was argued to be deflected from the inequalities that shape the underlying social problems. Furthermore, through placing the spotlight on the power of these institutions, these newer perspectives argued that it revealed how the state and other powerful actors deflected attention from their own responsibility for addressing those underlying problems.

More recently, a more radical alternative to criminology has come about in the form of zemiology, an approach that is continuing to develop. Zemiologists argue that we need to account for both criminalised and uncriminalised harms, including the harms inflicted by the criminal justice system and by international and globalised justice systems and practices as well. In particular, zemiology abandons the commitment to crime as the starting object of study. Instead, they focus on what is socially harmful regardless of whether it is criminal or not. Zemiological approaches also argue that its approach can better suggest policies that enable deeper forms of social justice

The role of 'the global' is also central to these debates. Investigations, be they made through a crime or harm perspective, often reveal that what appear to be local concerns, are linked, for example, through states and corporations, to global processes. Through this course you will examine how power and global relationships affect the ways that crime and harm are defined. For example, you will consider some ways that states and their criminal justice systems respond to crimes and/or ignore them. On the other hand, the role of states and justice systems – be they national, international or global in scope – in the creation of harm, will be considered too. The course thus teaches perspectives on how inequalities, including inequalities of power, are seen to underlie problems in society and to hinder the achievement of social justice.

Important: warning about the nature and content of the course

As you might expect, in considering the case studies of Hurricane Katrina, the running of prisons, and the 'War on Terror', the 'problems in society' that you will be looking at are significant in scale, and they also have significant and traumatic implications for those affected by them. In turn, then, it is important at the outset of this course to note that some of the content may affect you too. Like many topics in the study of crime, justice and social harm, this course deals with topics which can be upsetting or distressing. The approach taken in this course is to look at such material analytically, and to consider critically the ways in which these topics are commonly talked about or, for example, portrayed in the media. While we hope that you do not find the material to be directly upsetting or distressing, if you do find any of the content distressing, there are numerous sources of support available to you. These can be found in a [later section in this course](#).

In addition, this course presents a range of views, some of which you may disagree with. Nevertheless, being able to understand different perspectives is an important skill in the study of crime and justice. Hopefully you will find that being able to consider competing perspectives analytically will help to focus on these topics in ways that may help deflect from potential distress. You may find being able to understand these potentially distressing topics from different viewpoints helpful in dealing with them.

This OpenLearn course is an adapted extract from the Open University course [DD804 Crime and global justice](#).

Learning Outcomes

After studying this course, you should be able to:

- understand the social harm perspective and its relationship to criminology
- critically examine the role of power, inequality and 'the global' in shaping crime and social harm
- apply learning of the social harm perspective to examples including 'natural disasters' such as Hurricane Katrina, as well as to imprisonment and the 'War on Terror'
- illustrate how instances of crime and uncriminalised harms are globally connected
- critically analyse power and inequality, including the roles of powerful actors such as states and multinational corporations, to examine debates about crime and harm.

1 Introducing criminology, zemiology and social harm



Figure 1 Legal activities promoted or allowed by corporations and governments across the globe can be more harmful than activities which are criminalised.

Traditionally, the focus of the academic subject of criminology has been on finding the causes of crime in order to prevent, reduce or punish law-breaking. For example, criminologists from a psychological background have tended to focus on the psychological characteristics of individuals who have committed crimes. In contrast, criminologists from a sociological background have focused more on factors rooted in social life such as those related to economic, gendered, generational and cultural inequalities.

Some sociological approaches have long recognised that crime is not just a question of who *breaks the law*, but also about *who makes the law* and *how it is enforced*. Issues of power and inequality affect what types of actions are seen as illegal and what sort of people are more likely to be seen as offenders. Power can be defined as ‘the ability to influence and control people, ideas and events’ (Drake and Scott, 2019, p. 21). Power can be used to influence the actions of the criminal justice system and the state, ideas about what is harmful and what constitutes crime. Issues of power are integral to all critical understandings of crime and justice. For example, many critical criminologists argue that actions by powerful individuals, social groups and organisations are much less likely to be defined as illegal than those committed by the less powerful. Similarly, the more powerful individuals, groups and organisations are, when they break the law, the less likely they are to be prosecuted and convicted for crimes. Power differences are one form of inequality, but they in turn are grounded in other forms of inequality. For example, economic inequality gives some social groups and institutions more chance of exercising power than others. In particular wealthy multinational corporations are powerful actors in their own right and they can also influence the actions of states.

The social harm approach (which is also known as zemiology), however, provides an alternative approach which goes beyond criminology in focusing on harm rather than crime.

Proponents of the social harm approach argue that crime has no coherent or distinctive characteristic as a category. Illegal acts are sometimes harmful, but not always, and conversely there are many legal acts which are very harmful indeed. Thus zemiology argues that any activity, process or set of circumstances that is harmful or damaging is a potentially important focus of analysis, whether or not it happens to be against the law (Hillyard and Tombs, 2007).

A transnational or global focus can be found in some criminology, but the social harm approach lends itself particularly well to the study of harmful actions, policies and events which are not confined within individual countries. For example, harms done to the environment often cross national boundaries, and international or global organisations (for example transnational corporations) are often involved in producing uncriminalised harms. Furthermore, harms produced by the actions or policies of nation-states frequently affect people and places beyond the boundaries of that state.

By providing an alternative to criminology, advocates of the social harm approach claim that their approach can better investigate issues of injustice and harm, including globally oriented ones, such as threat to the ecological survival of the planet, genocide, war, abuse of human rights, nuclear proliferation and so on. The examples considered in this course, namely Hurricane Katrina, imprisonment, and the 'War on Terror', will enable you to study these aspects through both criminological and social harm approaches. This will also show how global activities affect individuals, such as how seemingly 'local' places (such as specific prisons) and 'local' processes (such as the impacts and outcomes from Hurricane Katrina) may in fact be globally shaped. In doing this, the course will provide you with an example of studying crime, justice and social harm at postgraduate level.

1.1 Introducing 'crime' and 'harm'



Figure 2 The question of what does or does not make something a crime is one we rarely ask.

This section introduces some basic concepts of criminological and social harm approaches. You'll start with 'crime' and 'harm', and be encouraged to explore the similarities and differences between them.

The concepts of 'crime' and 'harm' at first sight appear to be rather similar. Both refer to issues or events that could be seen as damaging. After all, why would something be defined as criminal if it did not do any harm? However, as you will see both concepts are complex and before they can be studied, they have to be analysed.

Activity 1 What makes something criminal?

Think for a moment about three or four examples of crime you know about from the media or your general knowledge. Note down your examples and then answer the following question:

What do you think makes each example a 'crime' and why?

Provide your answer...

Discussion

This first activity is asking for your own view on this, so there isn't just one right answer. But you may have made notes suggesting some of the following:

- You might have considered them a crime because they are illegal activities.
- And/or that they were carried out by one or more individuals towards another person or group, and with the intention to exploit them, or gain some advantage from the activity. So that might be considered morally or legally wrong.
- And/or that they caused harm to others, directly or indirectly.

Activity 1 suggests that the definition of crime is problematic, and this raises further questions about the relationship between crime and what are considered to be social problems.

Activity 2 Crime and social problems

Note down your thoughts on the following questions and then compare your answer with the discussion that follows.

- Do you think that 'crimes' are different from other social problems? In what ways are they different, if they are?
- Why do you think that we consider some harmful occurrences 'crimes' but not others?
- What are the implications of these crimes and problems?

Provide your answer...

Discussion

Again, there is not a right or wrong answer here, and, indeed, you may have considered that the definition of some activities as 'crimes' rather than others might be quite subjective. For example, you may have considered that whether something is a crime may depend on where it is that the harmful occurrence takes place. For example, in some countries a person crossing the road where the pedestrian light is red may be committing a crime, where in other countries it would not be. The gender or age of a person being able to drive a car, vote, or engage in certain sexual activities may differ from place to place, so that what is considered a crime in one country is perfectly legal in another. In other cases, the criminality or otherwise may be gendered (for example, when women are prohibited from driving). You may also have considered

that political, historical and cultural factors may shape whether something is considered a crime. For example, laws governing abortion have been shaped by changing social attitudes over time, including political factors such as women's voting rights (or lack of them) and cultural factors such as religious differences.

On the other hand, some activities, even as extreme as killing another person, may not always be considered a crime. Whether it is considered a crime may depend on who carries out the act and for what reason. Thus, as you will see later in the course, the killing of a terrorist suspect by a police officer may not be considered a crime, while a person killing somebody in a fist-fight might be prosecuted and potentially convicted of a crime.

Some of the implications you might have considered could be that when certain activities become accepted as 'criminal' they become taken for granted as that. They may also be taken for granted as associated with particular groups and that may impact on how society treats those groups. An example might be the association of terrorism with certain ethnic groups whereas public acts of violence committed by other ethnic groups are less likely to be regarded as terrorist. This in turn can impact on how activities are policed and what is prioritised by the criminal justice system.

1.2 Power and inequality in the study of social harm

In the last activity you considered critically the idea that 'crime' becomes taken for granted. This may, in turn, may mean that people cooperate in accepting what is and is not defined as a crime, conforming to particular norms and in the process reinforcing expectations about how we can and should behave. For critical criminologists, the focus is often less on measuring crime and its causes, and more on how occurrences and activities acquire the status of 'crime'. By implication this means that the reasons that some activities or events are *not* classed as crime are also the focus of attention of some criminologists. Related to this are questions about who and what become the focus of criminal investigation and activity, and what people and which do not.

These issues are also important in social harm approaches. However, they move beyond criminology in arguing that social harm itself should be the focus of attention rather than simply asking why some activities and events are classified as crimes and others are not. Zemiology raises wider questions beyond the definition of criminality, such as how harm can be measured, why some harmful actions may be seen positively and how a focus on social harm can be used to promote social justice. This in turn raises questions about who may be seen as responsible for causing harm, and also about situations where there may not appear to be obvious 'perpetrators' but the way in which social life is organised still results in social harm. These issues also raise questions about power and about the role of states and other institutions, including local, national and global corporations, in producing and responding to harms.

For zemiologists, one area of investigation is the *power* of certain actors to influence how harm is regarded and what responses are taken. Inequalities of power can prevent the recognition of what is harmful, or can restrict attempts to mitigate or tackle the harm caused. This can cause other inequalities, for example by restricting the life chances of people who have been harmed by the operation of the criminal justice system itself. (This will be discussed in Section 4.)

Central to the social harm approach, then, is the idea that to focus on 'crime' is problematic, and potentially misguided. Instead, it is argued that focusing on 'harm' would allow us to better understand and respond social problems, and potentially to prevent harms from occurring.

As you continue with this course you will be learning about zemiology, the social harm approach, through two particular lenses:

- the role of 'the global' in locally occurring harms, including consideration of the role of corporations and states (often referred to as 'crimes of the powerful')
- the role of inequalities and power.

To do this you will look at examples occurring in different places and considered *global* in nature. Some of the examples will concern harms impacting across borders, while other kinds of harms may be seen as producing gains for some parts of society, particularly in states or regions of the world less likely to be impacted by those harms.

You'll begin with Hurricane Katrina and use a social harm approach as a way of seeing how we might understand and respond to social problems triggered by 'natural' phenomena such as impacts from meteorological and seismic events.

2 What sort of a disaster was Hurricane Katrina?



Figure 3 Did the response to Hurricane Katrina cause social harm?

This section uses the example of Hurricane Katrina to illustrate and develop your understanding of the social harm approach.

As has been suggested, not all social problems (such as 'natural disasters') are easily captured by the idea of 'crime', but we might still have a responsibility to question 'natural disasters' and their impacts, and where they should fit in with how researchers examine crime and harm. It might be tempting to think of such 'natural' events as no business of criminology, for example to suggest that, although shocking and socially harmful, they are 'unavoidable'. Zemiologists, however, may examine the context surrounding a 'natural disaster', the underlying reasons why harm results from such 'natural' events, and how this links to inequalities between social groups. This may result in a finding that the disaster was not random, and was actually avoidable, with some arguing that '[t]here is no such thing as a natural disaster' (Hartman and Squires, 2006a).

Hurricane Katrina, one of the strongest and most deadly hurricanes in U.S. history, made international news headlines initially because of the damage it caused. However, questions were also raised over the adequacy of government preparation and responses to it. The hurricane first made landfall in the U.S. state of Florida on 25 August 2005 and intensified as it moved over the Gulf of Mexico, particularly affecting the states of Louisiana, Mississippi and Alabama. It has been described as not only 'the costliest' hurricane ever recorded in the U.S., but also its 'deadliest' since 1928, with a government estimated death toll of 1,833, and estimated financial costs of \$151 billion (United States

Census Bureau, 2015). Reportedly 711,698 people were acutely affected by flooding and/or structural damage (Crowley, 2006, p. 123).

Activity 3 Reflecting on Hurricane Katrina through a social harm perspective

Watch this media clip of a speech from President Barack Obama in New Orleans on the tenth anniversary of Hurricane Katrina. Then, thinking about the clip, answer the following question and briefly reflect on why you chose your answer:

[Obama: Hurricane Katrina 'became a man-made disaster'](#)

Do you think Hurricane Katrina was:

1. A crime
2. A harm
3. Both a crime and a harm
4. Neither a harm nor a crime.

2.1 Structural inequality and ways of seeing 'natural disasters'

As you have seen, then, the view of Hurricane Katrina as a natural disaster soon started to be challenged. In the clip you watched by U.S. President Barak Obama, he stated that 'What started out as a natural disaster became a man-made disaster' and argued that the authorities had to take some responsibility for the inadequate response to the disaster that had taken place in one of the richest and most economically developed nations in the world.

In some respects, this can be seen as rationalised through traditional theories of crime, arguing that criminal (or harmful events) can be explained through the actions or inaction of particular individuals, groups or organisations: problems are explained by what people do or do not do. However, a social harm approach to criminology suggests that the causes of harm might lie not in particular actions, but in structures of inequality which underlie the harmful outcomes. These structures of inequality may be present whether or not a 'natural disaster' strikes, but they are amplified and made much more apparent when it does.

Structural inequalities can be seen as the systematic and persistent differences between social groups in the ownership of, or control over, valued resources which result from the organisation of societies and their institutions. For example, there are inequalities in access to wealth between males and females in all societies, and most scholars accept that the inequalities are not a result of any kind of 'natural' or chosen differences, but are a result of structures – be they political, legal, historical social, cultural, or economic – that maintain such inequality. In the USA, inequalities between social classes and between ethnic groups can be seen as structural in terms of who is more or less likely to have access to prestigious and well-paid jobs. In the context of Hurricane Katrina, inequalities of power (particularly the power to influence government policy) and material resources were arguably at the root of the harms that followed the hurricane.

From this perspective, rather than a 'natural disaster', the hurricane was a 'natural event' but it was New Orleans' structures of inequality that transformed it into a 'disaster'. Such structural inequality meant that many disadvantaged residents of New Orleans bore the

greater risks from hurricanes, for example by being housed in areas more susceptible to flooding and through the lack of political influence to leverage state-support to respond to or withstand the effects of the hurricane.

Evidence has indeed been cited to support the argument that Hurricane Katrina had a disproportionate impact on particular social groups. Some U.S. research has suggested that the costs of Hurricane Katrina in terms of lives, housing, education, healthcare and employment were disproportionately borne by the some of the most vulnerable, including the poor, older people, and also suggesting a gendered impact reflecting gender inequality as well. Furthermore, ethnicity was seen as a particularly significant factor in terms of who was affected (Hartman and Squires, 2006b). Structures of inequality have also been particularly highlighted in relation to ethnicity: according to the Huffington Post (Asante-Muhammad and Patterson, 2016) 'more than 30% of black households are under the poverty line (\$23,850 or less for a family of four), compared to just 4.9% of white households', while *CBS News* ranked New Orleans as the fourth highest in its study of cities with greatest inequality of the top 100 richest U.S. cities (Picchi, 2018).

The role of structural inequality in any context is contested and how it is viewed can be seen as strongly connected to political and economic ideologies that dominate. In the USA, arguments are often put forward about freedom of opportunity for all ('The American Dream'), and the potential for mobility and responding to situations of disadvantage. On the other hand, many would point to the complex nature of structural inequality where multiple inequalities – in health, education, neighbourhood, ethnicity and environmental risk for example – mean that opportunities and abilities to respond to adversity are much more limited. It has further been argued that the harms associated with structural inequality need to be highlighted for the significance that they have.

2.2 Johan Galtung and structural violence

In 1969 Peace Studies scholar Johan Galtung published a paper arguing that the insidious nature of inequality and harms that occur from them mean that they should be referred to as a form of 'violence': he referred to situations where harmful outcomes result, even if not the result of a direct act of violence from an individual or group to another, as 'structural violence', arguing:

There may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up in unequal power and consequently as unequal life chances...

(Galtung, 1969, p. 171)

Galtung discussed structural violence through a range of contexts and examples, but his classical one was 'that if people are starving when this is objectively avoidable, then violence is committed' (Galtung, 1969, p.171). Thus through this perspective, people living in housing or geographical locations known to be at more risk from hurricane damage, and/or being vulnerable to being unable to escape unscathed (physically, psychologically or in terms of longer term life-chances), and/or less able to challenge the political or economic system which may be underpinned by racism and other social inequalities, then they are affected by structural violence. Galtung (1969, p. 173) further argued that '[s]tructural violence is silent, it does not show – it is essentially static, it is the tranquil waters' – thus it refers to the often unnoticed or taken for granted structures and

affected livelihoods, but that need to be acknowledged and tackled to achieve a real peace.

Galtung's arguments, which continue to be influential, have clear implications from a zemiological perspective. However, the arguments also have salience for some criminological perspectives too. In the next two sections you will look, in turn, at a criminological and then a zemiological perspective on understanding Hurricane Katrina and in terms of seeking justice in relation to it. In the first of these, the role of existing or potential legal avenues concerning crimes of negligence and potential compensation will be examined. In the second, you will look at how a social harm focus takes an alternative perspective, enabling consideration of the wider implications of the harms of structural inequality.

2.3 Criminology and Hurricane Katrina: understanding 'natural disasters' through a legalistic approach?



Figure 4 A police car damaged in Hurricane Katrina. Could the law be used to prosecute 'state crimes of omission' rather than to control poorer communities affected by the hurricane?

Legalistic approaches are grounded in the assumptions that the law and criminal justice systems should be used to define crime, determine whether offences have taken place and determine what redress (if any) victims are entitled to (similarly to traditional criminological approaches). It assumes that any government failings can be identified through the criminal justice system and the law can be used to establish any entitlement to compensation. For example, in the case of Hurricane Katrina, much attention was paid to the failure of the levee system in New Orleans, which was supposed to protect the city

from flooding, as well as the process of evacuation from the city. John Culhane (2007) has argued that these failures should be understood in terms of negligence on the part of the government and remedied through the provision of compensation in accordance with existing law (this could be through state law or an international law or agreement).

On the other hand, Kelly Faust and David Kauzlarich (2008) suggest that excess victimisation caused by such natural disasters constitute 'state crimes of omission'. Usually, this is seen as resulting from a failure of government to protect citizens from harms that it has a duty to protect them from, and, in relation to Hurricane Katrina, Faust and Kauzlarich found that significant failures of 'expected governmental duties to protect life and property, [to] address known and profound hazards to communities, and to responsively and humanely deliver services after catastrophes', and thus that Hurricane Katrina can be considered a 'state crime of omission' (Faust and Kauzlarich, 2008, pp. 86–7, 98).

2.4 Hurricane Katrina and the social harm approach

In the social harm approach, attention is drawn to a number of problems with a legalistic approach for how we understand and respond to events such as Hurricane Katrina (Matthews and Kauzlarich, 2007). For example, it is argued that, historically, it has proven very difficult to prosecute organizations, like states, for criminal offences as criminal law typically focuses on individual actors, while the harmful actions of collective entities, such as states or corporations, are rarely viewed as crimes or sanctioned as such. It can also be argued that the focus on individual, legalistic approaches leaves little space for considering the broader social and political contexts in which harms occur.

In the case of Hurricane Katrina, a legalistic approach does not take account of the structural inequality which can be seen to have played a key role in causing disadvantaged social groups to experience harm. As suggested by evidence previously cited, inequalities in resources were crucial in determining who could avoid the most serious consequences of the hurricane and who could not. A legalistic approach may also not take account of harms resulting from the inadequacy of responses by the state even where it was acting within the law. Inequalities in power were arguably important in determining which groups were able to get assistance from the state and which were not. This might also mean that even where there are legal mechanisms for pursuing support or compensation, inequality might make access to such legal mechanisms difficult or impossible for some people.

A focus on social harm is argued by zemiologists to be more useful as it draws attention to the problematic assumptions underlying legalistic approaches and criminology as a whole. A social harm approach also encourages the consideration of a broad range of acts which result in harm, and the structures which facilitate them, whether or not they breach any formal law. Taking this approach could not only enable the recognition of harms (including those not formally classified as 'crimes'), but also potentially identify or recommend new policies and practices to tackle the underlying structural violence.



Figure 5 A protester against the demolition of public housing in New Orleans, 13 December 2007 in Washington D.C.

Activity 4 Reflecting on a legalistic versus social harm approach

Having considered both the legalistic and social harm approaches to studying disasters such as Hurricane Katrina, reflect on the questions shown below, making notes in the box provided. You may find it helpful to review Figure 5 (shown above this activity) of a demonstration in New Orleans in 2007, and the following two quotations from the news media:

Black survivors of Hurricane Katrina said Tuesday that racism contributed to the slow disaster response, at times likening themselves in emotional congressional testimony to victims of genocide and the Holocaust.

(NBC, 2005)

Ten months after the [sic] Katrina, at least 80 percent of public housing in New Orleans remains closed. Six of ten of the largest public housing developments in the city are shuttered, with the other four in various states of repair. Fewer than 1,000 of the 5,100 families who lived in the older housing developments before the storm have returned, according to the Housing Authority of New Orleans.

(Sasser, 2006)

- What kinds of harms would seem to be evidenced from this image and the extracts?
- How might these be interpreted as 'structural violence'?
- What might be the advantages of examining some of these harms as potential 'state crimes'?
- Do you think that there are any limitations of the social harm approach?

Provide your answer...

Discussion

As previously, there is no right or wrong answer. However, it could be argued that both approaches have advantages as well as disadvantages. All three pieces of evidence shown above (the photo and the two quotations) suggest significant concerns about inequality and justice in the aftermath of Hurricane Katrina, and that would suggest that there was some awareness about the problems faced by victims, particularly black victims. For example, there was concern about the length of time it took before some poorer victims were able to return to New Orleans, and there were even accusations of

genocide as a result of claims that many former residents were unable to move back due to rebuilding and gentrification (also referred to as 'the war on the poor' in the protestor poster). It could be argued that a legalistic approach, for example in terms of alleged state crimes, had the potential to bring those responsible for the suffering of poor communities in the aftermath of Hurricane Katrina to justice and to provide compensation. On the other hand, the social harm approach could be seen as useful for highlighting an alternative approach to justice which draws attention to wider inequalities (within but also beyond the city of New Orleans) and the harms that were suffered as a result of these inequalities. This approach also raises questions about the legitimacy of political and social systems which fail to address what Galtung has termed 'structural violence', for example, in failing to effectively combat racism or to either protect or replace the housing of the more disadvantaged neighbourhoods of New Orleans.

2.4 'Natural disasters' and social harm

In this section you have seen how the zemiological (or social harm) approach can throw light on the harms that can result from the actions (or inactions) of powerful actors in the context of a structurally unequal society. While Hurricane Katrina was a destructive natural event, some social groups were shielded from its effects much more than others by virtue of their advantaged position in structures of inequality and because the most powerful actor responding to the hurricane, the state, acted in ways which compounded the problems faced by less powerful groups. The significance of such harms was also highlighted through the concept of structural violence. The example suggests that legalistic approaches to crime (and harm) risk neglecting or ignoring the ways in which social harms are shaped by power and inequality rather than simply by law breaking and the operation of the criminal justice system which are the central focus of more traditional criminology.

3 Corporations, prisons and global perspectives on crime and harm



Figure 6 Prisons can be thought as part of industries of punishment, with profit-making corporations involved in their delivery.

So far in this course, you have been exploring some of the debates about crime and harm, and, in particular, critically considering how certain harms in society may be criminalised and others not. In the last section, you were introduced to the suggestion that, in particular, harms that come about in contexts of structural inequality can tell us something about the role of power in causing, being subjected to, and avoiding harm. It thus introduced arguments about the role of powerful individuals and particularly groups, notably states. In this section the role of the state remains significant, but we will consider other powerful actors as well, particularly multinational corporations. In the following case study, you will be introduced to issues focused around important contemporary debates about prisons. You will also further consider inequality, power, harms, and the global nature of what might appear to be local issues.

3.1 The prison industrial complex

Criminologists, politicians and media commentators interested in the role of prisons have tended to focus on how far prison ‘works’, and its role in the treatment and/or punishment of convicted criminals or those on remand. However, some criminologists have been involved in research and debates about the legitimacy of prisons, exploring their purported purposes, their ideological functions, and claims that they cause pain and suffering. This then suggests that a social harm approach to prisons could also be useful.

A key debate relates to the idea that prisons are part of a wider industry of crime control and punishment, with a complex and wide-reaching network of organisations involved, including the state, private (for profit) companies, and charities and not-for-profit organisations. Angela Y. Davis (2003) refers to this as the 'prison industrial complex', as an industry consisting not just of prisons, but of a host of surveillance, crime control, punishment, and 'correctional' activities, organisations, and institutions. Figure 7 illustrates these activities and institutions within the prison industrial complex.

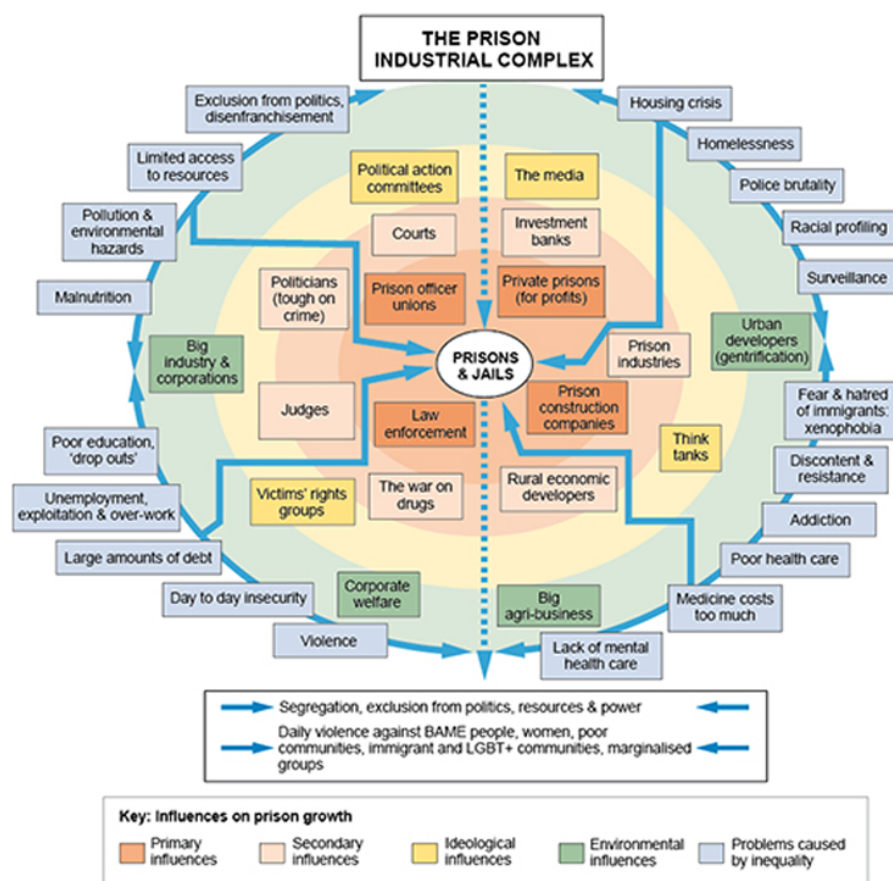


Figure 7 The complex relationships within the prison industrial complex.

The diagram of the prison industrial complex shows crime, the state and issues of harm as intimately connected. For example, the treatment by the state of convicted criminals in prisons can have a negative effect on the mental health of prisoners. The diagram also suggests that inequalities play a crucial role in the prison industrial complex, for example in relation to the way that poor education, unemployment, debt and racial profiling increase the chances of being incarcerated. Inequalities in power are also evident in this diagram for example in terms of the way that exclusion from politics limits the influence of marginalised groups who are more likely to be imprisoned.

However, what also stands out from the diagram, is the role of powerful *non-state actors*, such as those involved in the running of private prisons (or state-run prisons that outsource some of their work), the media, prison construction companies, investment banks and think tanks.

Multinational corporations and other non-state powerful actors have also had (and continue to have) roles in the New Orleans context (the site of the analysis of Hurricane

Katrina), but in this section you will use concept of the prison industrial complex for further consideration of the relationship and debates about crime and harm, and the connections with inequality and power. However, in this section you will focus particularly on the role of powerful private corporations in relation to these, and to highlight the role of 'the global' in what might appear to be 'local' issues.

3.2 Global governing of prisons in Britain?

Take a look at this article by John Harris from *The Guardian* (29 July 2013):

[Serco: the company that is running Britain.](#)

The whole article is quite long, so please focus particularly on the first few paragraphs as far as the paragraph which ends in 'Not for nothing does so much coverage of its work include the sentence "the biggest company you've never heard of"' (a little above the picture of 'A Serco Clinic Truro') and then read the last five paragraphs, starting with the one that begins 'The controversy surrounding Thameside prison ...'.

Activity 5 Serco and the prison industrial complex

Following your reading of the article (or parts of it) by John Harris in *The Guardian*, now refer back to the diagram of the prison industrial complex, and make some notes on how elements of the industrial prison complex are illustrated in the discussion of Serco. For example, consider what the article suggests about relationships between the state and powerful non-state actors (especially Serco), and how this links to issues of power, inequality and harm.

Provide your answer...

Discussion

Reading the article may have made you question some of the relationships, and whether improper relationships might form between different actors within criminal justice systems, or as to whether the profit-led nature of corporations might result in a focus on profits over 'justice' outcomes. Questions also arise about the power of private prisons providers in shaping the future of the industry and processes of criminalisation, surveillance and punishment. You have probably also considered the role of Serco terms of a range of social areas, which, according to the 'prison industrial complex' diagram, are interconnected *with* issues of crime, and/or harm associated with inequalities, and power.

The interconnections between state and non-state actors may well have also featured in your notes. You may also have considered critically which 'harms' are the criminalised ones that we tend to focus on and which harms receive less attention. On the one hand this might concern the harms that have resulted from actions for which people serve prison sentences. However, you might also consider, as we did in the case of Hurricane Katrina, the kinds of harms that result from inequalities, and from the actions and inactions of state and non-state powerful actors. You might also have connected this with concerns about whether profit-oriented global actors such as multi-national corporations are best placed to have such power in the field of criminal justice.

3.3 The media, think tanks and the prison industrial complex

John Harris's article can be seen as an investigation of one among many multinational, globalised corporations which are paid by states to run parts of criminal justice systems around the world. However, zemiologists are also very interested also in the potential harms that the media itself may produce. This is illustrated in a critical evaluation of a BBC Radio 4 programme aired in February 2013 which referred to the organisation called 'Reform', an organisation the programme presents as evidencing a claim that privately-run prisons are more effective than state-run ones. Mel Kelly, writing on the website 'Shine a Light' highlights a concern about the programme failing to inform listeners that, to quote her:

G4S, Serco and Sodexo all donate to Reform, which the BBC tells us is a 'centre right think tank' and which describes itself as an 'independent, charitable, non-party think tank whose mission is to set out a better way to deliver public services and economic prosperity'.

(Kelly, 2013)

This then raises the question of whether corporate partners of an 'independent non-party' think-tank may be influencing the evidence produced by think-tanks, and questions as to whether such evidence is neutral and about the role of the media in potentially reinforcing views of what is or is not harmful or neutral without revealing the powerful influences – including corporations that have global influence – which may be involved.

For this reason, 'industries of punishment' are seen not only in a local context, but are connected to a *global* industry of punishment involving relationships between stakeholders within and across and nations. Furthermore, as research on the prison industrial complex has shown, those with interests in the prison industrial complex also have interests in a range of other industries, and this could be seen in Harris's article. Understanding these relationships can help to reveal the dynamics between states and corporations, allowing you to develop a greater understanding of the power relationships between them.

3.4 Prisons and social harm

Prisons, as conceptualised through the idea of the prison industrial complex, can be seen as creating and exacerbating 'social harms'. A zemiological approach can be applied to prisons to identify and illustrate different types of social harm.

Hillyard and Tombs (2007) argued that there are four main types of social harm. These are:

- Physical harm (for example harms involving death, injury or illness)
- Financial harm (for example harming the income, job security or credit rating of individuals)
- Psychological harm (such as mental illness or anxiety)

- Cultural harm (this is referred to by Hillyard and Tombs in terms of 'threats to cultural safety' – such as racism or disruptions to community life – but you can consider it quite broadly for the purposes of this activity).

Activity 6 Harms and prisons

Consider each of the categories of harm set out by Hillyard and Tombs (2007), examining how they could be argued to connect with prisons and those who might be connected with the industrial prison complex. You should write your ideas in the box below.

Provide your answer...

Discussion

There are numerous ways in which prisons, and the wider idea of the prison industrial complex (including as a global industry), can be seen to connect to or indeed cause or exacerbate social harms. The following are some examples but you may well have thought of others.

Physical harm: This could result from physical attacks in prison, an increased likelihood of becoming dependent on drugs, lack of exercise and the lack of control prisoners have over their own diet. These impacts of prison are likely to be have long-term effects, being felt by individuals not only during their time in prison, but also subsequently, following release.

Financial harm: In their writing, Hillyard and Tombs (2007, p.14) point to the possibilities of 'the loss of a job and diminution of future employment prospects' which will of course potentially have a considerable impact on future income. It is also likely to affect credit worthiness and time spent in prison may also reduce pension entitlement. Increased government spending on prisons might draw resources away from benefits and government services on which more disadvantaged members of society may rely.

Psychological harm: Loss of liberty, physical harm and financial harm can all have serious psychological impacts (and these in turn can make physical health worse). Mental illness, self-harm and suicide are evident in prisons. Hillyard and Tombs (2007, p. 14) note that imprisonment can result in the loss 'a home, a child or a family life, and ostracism by society' each of which in itself can have an adverse impact on mental health.

Cultural harm: Hillyard and Tombs note that processes of criminalisation and punishment tend to fall disproportionately on the most vulnerable in society. This can lead to a loss of cultural connection through, for example, unemployment and potentially, to support services. Where a significant proportion of a community is affected by imprisonment (as is the case in some Black communities in the USA) community and family life can be seriously disrupted and the whole community may suffer stigma by association with criminality.

3.5 Corporations, prisons and global perspectives on crime and harm

In this section you have seen the importance of both global perspectives in understanding crime and harm and the need to move beyond a focus on the state as the only powerful actor in the sphere of criminal justice. The concept of 'the prison industrial complex' suggests the significance of the relationship between transnational corporations which sell their services (such as running prisons) to several states. The operation of prisons in the pursuit of profit can further exacerbate existing inequalities with incentives to continually expand imprisonment (particularly of disadvantaged groups) regardless of the considerable harms flowing from imprisonment. Looked at from a zemiological viewpoint, the prison industrial complex seems to operate more in the interests of powerful states and corporations rather than serving the interests of justice or the interests of the populations which governments are ostensibly elected to serve.

4 Social harm and the 'War on Terror'



Figure 8 Police and the army secure the area in front of the Louvre on 3 February 2017 in Paris, France following a suspected terrorist attack.

Throughout this course so far, you have encountered the concept of social harm and some of the arguments that are made concerning the limits of criminology for understanding and responding to social harm. This section explores further some of the criticisms that social harm theorists have made of criminology and criminal justice, highlighting issues of inequality, power and globalisation. Using what has become known as the 'War on Terror' as a case study, you will explore how particular global events are constructed as issues of 'crime' and 'security' (and, conversely, which are not). You will explore this through public and media discourse about the 'War on Terror', and how this discourse has been used politically and strategically to justify military action and, as some analysts have argued, to demonise, exclude and control particular 'problem populations'. In particular, you will critically consider the implications of these measures and whether, ultimately, they do more harm than good.

4.1 The 'War on Terror'

On Tuesday 11 September 2001, almost 3,000 people were killed in the USA when four domestic passenger planes were hijacked and crashed in a coordinated attack. Many more were injured and suffered health-related illnesses (including premature death) following the events of what would come to be known as 9/11 (see *The Guardian*, 2016). The attacks were quickly identified by the U.S. Government as an act of terrorism with responsibility attributed to an international militant Islamist group called Al Qaeda. Nine days later, the then President of the United States, George W. Bush, announced that the U.S. was embarking upon a 'War on Terror', in response to the attacks.

Since 9/11, the term 'War on Terror' was brought into being in western media and political discussion. The 'terror' referred to in the phrase 'War on Terror' has been used particularly in relation to terrorist events attributed to Islamist groups. These include attacks including the bombings of 2004 in Madrid and 2007 in London ('07/07'), as well as attacks in France, Belgium, Libya, Lebanon, Indonesia, Australia, Pakistan, Turkey, and the UK, and also the 1993 World Trade Center bombing occurring 8 years before 9/11. On the other hand, 'terror' coming from other sources, such as right-wing political groups and individuals in the USA and elsewhere, is not generally seen as being part of the same issue or subject to the same 'war'. The 'war' itself refers to western-led military intervention overseas, including in Syria, Afghanistan and Iraq as well as domestic security measures.

4.2 What is terrorism?



Figure 9 Newspapers depicting the bombing on 9/11 in New York.

The response to the 9/11 attacks seems in many ways to be unproblematic. It almost seems common sense that the attacks should be seen as terrorism and that it was appropriate to declare war on an enemy who had committed acts of large-scale violence against the USA.

Yet if we take a step back, we can see that George W. Bush had to gain mainstream acceptance for framing what happened on 9/11 as an act to which an appropriate response was the declaration of war. Gaining acceptance for ideas often involves promoting a particular discourse – that is a way of talking about a particular issue which in turn encourages particular ways of thinking about the issue and ultimately therefore justifies certain responses.

In this case, George W. Bush had to establish two things:

Firstly, he had to establish that 9/11 constituted acts of terrorism.

Secondly, he had to establish that the acts were not like typical crimes. Therefore they should be dealt with differently, as political acts rather than simply as lawbreaking.

With respect to the first issue – what is defined as terrorism – there is a well-known adage that 'one person's freedom fighter is another person's terrorist'. This highlights the difficulty over deciding whether an act should be regarded as terrorism or not. Often this depends on whether there is seen to be a legitimate reason for specific acts of violence, which is, in itself, depends on a person's perspective.

With regards to the second issue – whether terrorism is seen as crime or as a political act, there is also room for different interpretations (or discourses). While the result of an act of terrorism may be seen as being similar to other crimes such as murder, the motivation involved in terrorism is seen as fundamentally different. Under UK law, for example, the clear differentiation is made that terrorism has the intention to influence or intimidate in the pursuit of a political, religious or ideological goal.

Activity 7 Terrorism and militarism

Look at the cartoon which follows. It depicts two acts of violence. Explain in your own words what point the cartoon is trying to make. Why do you think one act is defined as terrorism and the other as militarism?



Figure 10 Terrorism, Militarism by Andy Singer.

Provide your answer...

Discussion

You may have noticed that the cartoon is making the point that acts defined as terrorism are against the law, whereas acts defined as militarism (or perhaps military action) are regarded as legal even if they cause the same destruction and loss of life. You may have highlighted that the reason why they are defined differently is that the perpetrators are different. In particular, violent acts carried out by armed forces of states are more likely to be defined as militarism whereas those carried out by non-state actors are more likely to be defined as terrorism. Therefore, you may have suggested that the violent actions of states are more likely to be seen as more legitimate than those of other groups or individuals.

4.3 Two discourses of terrorism

Given the way that George W Bush framed the 9/11 attacks, it may be surprising to see that the former British Prime Minister, Margaret Thatcher used a very different discourse to frame the issue of terrorism. For example, in a speech in 1981, UK Prime Minister Margaret Thatcher made clear her views on terrorism clear saying:

There is no such thing as political bombing or political violence. We will not compromise on this. There will be no political status. Crime is crime is crime. It is not political. It is crime and there can be no question of granting political status.

(Thatcher, 1981)

This speech was in response to a series of widely publicised [hunger strikes](#) by Irish Republicans in The Maze and Long Kesh prison in Northern Ireland who were seeking to be recognised as political prisoners rather than ordinary criminals.

You can contrast this with President George W. Bush's statement that 'Al-Qaeda is to terror what the mafia is to crime' (2001) in discussing the US response to the terrorist attacks of 11 September 2001. In so doing, he implied that terror and crime were fundamentally distinct.

The language used by both Thatcher and Bush can, respectively, be used to legitimate and justify particular responses. By defining the actions of both Republicans and Loyalists in Northern Ireland as purely criminal, Thatcher denied the motivations or claims behind them any political authority. The British Government also implicitly reinforced the criminal

justice system as the mechanism for responding to these actors' actions, rather than having to engage in political negotiations with them, employing a strategy of criminalisation to respond to political violence in Northern Ireland from 1972 to 1981. This approach included an expansion of counter-terrorism laws – leading to widespread arrests, detention without trial and the use of harsh interrogation techniques (McEvoy, 2001).

Since different discourses can justify different actions by the state they can be seen as significant in the way that power is exercised, particularly over relatively powerless groups. As you will see, discourses of terrorism can be used to legitimate the deployment of extra security measures or even military force against relatively powerless social groups (such as Republicans in Ireland in the 1980s and Muslim populations in various parts of the world today) and in the process contributing to maintaining or increasing inequality.

4.4 Counting the costs of the 'War on Terror': a social harm analysis

From a social harm perspective, significant harms of the 'War on Terror' have arisen by justifying and legitimating a set of new policies and practices which in part flow from the way in which the issue has been framed. The discourse of 'security' has been particularly prevalent. While 'security' is emphasised on the one hand as being for protective purposes, it has also been associated in relation to the 'War on Terror' with increasingly restrictive and repressive policies.

This discourse on security and resultant policies and practices is of interest to sociologists since, in Western states, most of the media have focused largely on the harms arising from actions associated with 'Islamist terror', but have given little consideration to harms resulting from new security policies. For example, from a social harm perspective, the loss of freedoms that these 'security' responses have brought about could be seen as producing social, political harms, and even physical harms. It is notable that the harms that the security policy brings are not borne equally by every section of the population.

While terrorism itself of course causes great harm, responses to terrorism can also cause great harm and potentially they may even be more harmful than the phenomenon they are supposed to be addressing. By applying a social harm approach to the case study of the 'War on Terror' and the policies and responses to which it gives rise, you can explore further some of the claims that social harm theorists have made, specifically:

1. That the criminalisation and punishment of marginalised and relatively powerless groups who are often seen as being associated with terrorism because of their ethnicity, inflicts further harm on these groups and increases inequality.
2. That the discourse of terrorism gives legitimacy to the expansion of crime control and other security measures.
3. That the framing of issues as 'crime' or 'terrorism' serves to maintain power relations.

In the following sections you will consider the harms that have arguably resulted from the 'War on Terror' and consider the question of whether the measures intended to protect people from harm can themselves create further harms.

Activity 8 Do some deaths count more than others?

Watch this clip from the documentary *Truth and lies in the War on Terror* by the journalist John Pilger, made in 2003 about the military response to the events of 9/11 in Afghanistan and Iraq, under the banner of 'Operation enduring Freedom'. In this film Pilger outlines some of the harms that have resulted from these interventions by Western states. Can you identify four or more harms this film clip illustrates?

WARNING: THIS FILM CLIP CONTAINS IMAGES AND TESTIMONY YOU MAY FIND DISTRESSING.

Video content is not available in this format.

Video 1



Discussion

You may have listed some of the following harms:

- Physical harms:
 - Death of innocent civilians
 - Destruction of property and infrastructure, including basic utilities
- Psychological and emotional harms:
 - Psychological impact of the War on Terror on civilians who are the target of these policies
- Financial and economic harms:
 - Failure to provide compensation or financial aid for reconstruction
- Cultural and relational harms:

- Mistrust of U.S. government by both U.S. citizens following their use of civilian deaths in 9/11 to justify overseas interventions and Afghan citizens following deaths and destruction in Afghanistan

In this film, Pilger uses the speeches by George W. Bush and Tony Blair who draw on the language of freedom and justice, juxtaposing them against images of violence and harms these policies inflict on ordinary civilians in Iraq and Afghanistan.

A range of recent scholarship and media analysis has sought to *measure* the harms of the 'War on Terror', and it has attempted to compare the immediate costs of the 9/11 terrorist attacks with those of the military action that emerged in response to them. For example, whilst just under 3,000 people lost their lives in the United States in the events of September 11 2001 (Malley and Finer, 2018), the estimates discussed below suggest that this number was far exceeded by the civilian casualties which resulted from U.S.-led military intervention in Iraq and Afghanistan, launched as part of the 'War on Terror'.

Mortality data is highly contested in conflict contexts. It is notable also that the U.S. government does not keep official data on civilian deaths resulting from the U.S. led War on Terror. Some unofficial reports however, estimate up to 31,419 civilian deaths in Afghanistan as a direct result of the military action between October 2001 and July 2016 (Watson Institute for International and Public Affairs, 2016).

In Iraq, the NGO Iraq Body Count project recorded between 180,093 and 201,873 civilian deaths from violence since the invasion of Iraq in 2003 and February 2017 (Iraq Body Count, 2018). Some of the wider harms of the 'War on Terror' in Iraq are also revealed in a 2013 public health study (Hagopian et al., 2013). This report documented almost half a million direct and indirect deaths between 2003 and 2011, including deaths caused by failures of health, sanitation, transportation and other basic systems and wider infrastructure as a result of the 'War on Terror'. This evidence suggests that taking an approach which focuses only on harms resulting from 'crimes' (such as 'terrorist' acts) might overlook significant and extensive harms resulting from security measures and state responses to terrorism.

4.5 Security: do the ends justify the means?



Figure 11 War-damaged buildings at Al-Salam hospital in Mosul, Iraq.

Another result of the 'War on Terror' has been a ratcheting up of policies and practices aimed at protecting people from this 'new' terrorist threat. Central to this was the tension between balancing liberty with security. Security has been increased in many settings including airports, public buildings and public places but also out of public view. One example of the latter was extraordinary rendition which involved the forced abduction or transfer of suspects in the war on terror for the purposes of interrogation or detention.

Some detainees were transported to Guantánamo Bay, a US military base on the island of Cuba, which since 2002 has been used, in contravention of international human rights law, for the indefinite detention without trial, and at times torture, of 'enemy combatants' in the War on Terror (Amnesty International, 2018). To some politicians the need for security trumps concerns about human rights and civil liberties and justifies the harms that result from this in the name of 'security'.

The substantial increases in security measures linked to the 'war on terror' has had a differential impact on particular communities, with some communities being subject to greater scrutiny by the police and security services than others. This in turn is linked to discourses constructing certain groups as a security threat. 'Muslims' in general have often been constructed as a threat rather than just particular Islamist individuals and groups who have been involved with violence. In dominant discourses, the population is divided into 'us' and 'them', a process sometimes referred to as 'othering'. Muslims are constructed as the 'other' – as potentially dangerous outsiders. This may be used to justify treating the 'other' differently and, in particular, subjecting them to much more intense surveillance than groups which are not represented as posing a threat. This scrutiny involves an exercise of power and the restriction of opportunity (for example employment opportunities) which could result from 'othering' and which can increase inequality.

4.6 'Reconfiguring security and liberty'

Some researchers have begun to focus their attention on the consequences of an increasing focus on security. They argue that more areas of social life are being seen as 'security' issues (a process known as securitisation). Securitisation can be seen to occur in many places and contexts, but in this section, we will focus on a UK context.

Pantazis and Pemberton (2012) have discussed the development of what they see as an ideology of 'new terrorism'. According to these writers, both Tony Blair and David Cameron accepted that this new form of terrorism was religiously rather than politically motivated 'with Islamic fanaticism presented as the greatest threat facing liberal democracies' (p. 655). In the wake of the 2005 London Underground bombings (often referred to as '7/7') which killed 56 people, the threat was portrayed as being so serious that it was used to justify a wide range of new anti-terrorism measures.

Pantazis and Pemberton argue that "new terrorism" provides the perfect narrative template for the "politics of fear" (2012, p. 656). The security service and police frequently reiterate the message that there are hundreds of dangerous terrorists at large and that security measures can never be sufficient to guarantee protection against attack. This helped to justify the 2005 *Prevention of Terrorism Act* in the UK, which significantly increased the surveillance powers of the security services. Furthermore, the sense of an ongoing crisis has persisted ever since fuelling an appetite for relentless increases in security.

Pantazis and Pemberton go on to describe a number of studies of the media (such as Hickman et al. 2010, cited in Pantazis and Pemberton, 2012) which have identified a dominant discourse in the media attributing the 'new terrorist threat' to Muslim communities. These communities have been portrayed as being suspect for lacking 'British values'.

Research by Moore et al. (2008, cited in Pantazis and Pemberton, 2012) found that four-fifths of newspaper content about Muslims/Islam was framed in terms of problems, threats or a lack of British values. As a consequence, 'the commonsense' appeal that those that

are not 'with us' are 'against us' and should forego their civil liberties would appear to be a perfectly rational position' (Pantazis and Pemberton, 2011, p.659). It can also be argued that such discourses encourage individuals to become directly involved in looking out for terrorists adding to the surveillance of Muslims, and further reinforcing the processes of 'othering'. In comparison, there is little attempt, for example, to encourage individuals to be on the look-out for evidence of air pollution in order to report it to the authorities. Yet recent research estimates that some 40,000 premature deaths each year in the UK are attributable to air pollution (Coombes, 2017) whereas there have been just 54 deaths in total (excluding perpetrators) as a result of terrorism in Great Britain between 11 September 2001 and 31 March 2016 (Allen and Dempsey, 2018).

Activity 9 The media and harm: othering and the 'War on Terror'



Figure 12 The Sun newspaper front page, 23 November 2015.

Drawing on Figure 12 and the summary of the work of Pantazis and Pemberton, suggest answers to the following questions.

1. How does the media contribute to the 'othering' of Muslim communities in the UK?
2. Suggest some potential negative consequences of the 'othering' of Muslims in the media and the discourse which emphasises Muslims as being security threats.

Discussion

1. You may have given a number of responses to this question; the following are just some of the possible conclusions you may have drawn. Figure 12 illustrates how media coverage may make stereotypical or even contrived generalisations about Muslims using images to reinforce a sense of threat (the showing of the masked person with a knife emphasising the apparently immediate and serious nature of the supposed threat). The statistical data appears to provide strong justification for the 'othering', but the statistics could just as easily be presented to emphasise that only a relatively small minority of Muslims express any sympathy for 'jihadists'. This reinforces the studies cited by Pantazis and Pemberton, which found that coverage of Muslims/Islam was very often framed in terms of 'problems', in terms of opposition to 'British values' and in terms of a 'new terrorist threat'. The Sun front page also constructs a link between the attacks in Paris and British Muslims, implying that Islam is a global threat and all Muslims could be seen as being suspect. (You should note that this front page received considerable criticism after it was published, and that IPSO also ruled that the coverage was significantly misleading (IPSO, 2016).)
2. As in question 1, you may have made many different suggestions about the possible consequences of this 'othering'. Figure 12 might have made you think about the possibility that dominant discourses about terrorism might encourage Islamophobia (fear and hatred of Islam). Perhaps you considered the possibility that 'othering' might result in increased divisions between Muslim and non-Muslim communities reinforcing mistrust and potentially amplifying Islamophobia. You could have linked the possibility of increased Islamophobia to inequality by suggesting that discrimination might reduce opportunities, such as employment opportunities, for Muslims. The discussion of the work of Pantazis and Pemberton may have made you think about increased numbers of arrests and detentions of Muslim terrorist suspects, and more people (particularly Muslims) being monitored through electronic surveillance. You might also have considered how the general fear of the 'new terrorism' is linked to the increasingly visible security in public places (for example the increased presence of armed police at airports, important public buildings and elsewhere, increased security measures at public events). You could have thought about the way in which the erosion of civil liberties is justified as being acceptable as a way of countering perceived 'threats' which in turn makes it difficult to challenge abuses of power by the state. These might all be considered to be consequences of the 'othering' of Muslims.

4.7 The 'War on Terror' and social harm

In this section you have explored the social harm approach and its application to the 'War on Terror'. A theme running throughout this section has been the question of how policies and responses that have been designed to respond to wide-scale harmful events (such as the events of 9/11) might, themselves, be harmful both directly and indirectly. In particular, you have considered the harms created by military action in the 'War on Terror' and the hidden costs of security policies. You have also considered how the harms of such policies are often borne by the socially and economically marginalised, both within states, and, as the John Pilger film demonstrated, internationally, thus highlighting issues of inequality and global aspects of this topic. Throughout the section the harms sometimes caused by the exercise of power by states have been critically examined, questioning a sometimes seemingly exclusive focus on the harms caused by 'terrorists'.

5 Sources of support

There are many services and organisations that offer help and support to people experiencing emotional distress.

Talk to your GP

Your GP may be the first person you talk to about your mental health problems. If you have a good relationship with your doctor, you may find it helpful just to know there is someone you can talk to about the feelings you're having. Your GP may refer you to specialist services if he/she feels they will help you. If you're unhappy with your own doctor, you can ask to see another doctor at the same practice or make an appointment with a different practice in your area. If you're unsure where to find other doctor's surgeries, look in your local Yellow Pages or try the NHS Choices website.

Students Against Depression

[Students Against Depression](#) offers comprehensive information and resources to help you identify low mood or depression and then find a way forward.

The Mind infoline

Mind offer an information line to answer questions about:

- types of mental health problem
- where to get help
- drug and alternative treatments
- advocacy

Call the Mind infoline on 0300 123 3393 (UK landline calls are charged at local rates, and charges from mobile phones will vary considerably).

Or email info@mind.org.uk

The Samaritans

The Samaritans offer emotional support 24 hours a day - in full confidence.

Call 116 123 (UK)*

Call 116 123 (ROI)*

*Free to call.

Or email jo@samaritans.org.uk

Nightline

A confidential listening and information service run by students for students which operates through the night. Operating hours are mainly in line with term times at campus universities.

Callers to the Hotline outside of hours will receive information about the Samaritans and a contact number to call. Phone: 020 7631 0101

Students outside of UK are recommended to use Skype to phone for free or Instant message (Skype): chat.nightline or Skype Phone: londonnightline

The service has a related email service which operates alongside the hotline all year round. Students contacting the service by email will receive an answer within 48 hours.

Email: listening@nightline.org.uk

Student Minds

Student Minds are a charity that run support groups for students struggling with their mental health. They offer support programmes and workshops to help develop the knowledge and skills you need to take care of your mental health. There is also advice on how you can support a friend that may be having a difficult time.

Website: <http://studentminds.org.uk/>

Rethink Mental Illness

You can call the Rethink advice and information line Monday to Friday, 10am-2pm for practical advice on:

- different types of therapy and medication
- benefits, debt, money issues
- police, courts, prison
- your rights under the Mental Health Act

Call Rethink on 0300 5000 927 (calls are charged at your local rate).

Breathing Space Scotland

A free and confidential phone line service for any individual who is experiencing low mood or depression, or who is unusually worried and in need of someone to talk to.

Website: <http://www.breathingspace.scot>

Phone: 0800 838587

Choose Life (Suicide prevention in Scotland)

Website: <http://www.chooselife.net>

Befrienders Worldwide

Work worldwide to provide emotional support and reduce suicide. They listen to people who are in distress, and don't judge or tell them what to do.

Website: <http://www.befrienders.org/index.asp>

Information and support for a wide range of issues

Website: <http://www.bbc.co.uk/actionline>

SaneLine

Provides mental health and emotional support and information to anyone affected by mental ill health, including family, friends and carers.

Website: http://www.sane.org.uk/what_we_do

Phone: 0300 304 7000, 6pm-11pm, 7 days a week

Self-injury Support

Phone: 0800 800 8088, 7pm-1pm, Mon-Fri

Website: <http://www.selfinjurysupport.org.uk>

Specialist mental health services

Most people recover from mental health problems without needing to go into hospital. There are a number of specialist services that provide various treatments, including counselling and other talking treatments. You may also need help with other aspects of your life - for example, claiming benefits or dealing with housing problems. Often these different services are coordinated by a community mental health team (CMHT).

CMHTs are usually based either at a hospital or a local community mental health centre. Some teams provide 24-hour services so that you can contact them in a crisis. If you are already in contact with a CMHT you may find it useful to keep their number by your phone in case you need it. Otherwise you should be able to contact your local CMHT via your local social services or social work team.

Other kinds of community mental health team include Crisis and Home Treatment teams, which provide you with help in your own home and can come out to see you in an emergency or help you get into hospital if you need inpatient treatment.

You may also find it helpful to contact your nearest Citizens Advice Bureau for advice about benefits, debt problems, legal issues and local services. The Citizens Advice Bureau website has a directory listing its local offices.

Conclusion

This free course, *Questioning crime: social harms and global issues*, has intended to provide a flavour of studying some perspectives on crime, justice and social harm at a postgraduate level, based on the Open University course [DD804 Crime and global justice](#). The central focus of the course has been the social harm (or zemiological) perspective which argues that an exclusive focus on crime misses the impacts of harms on social lives. These harmful acts can related to powerful actors such as states, corporations and the media, and are reinforced through structures of power and inequality.

You have seen that crime is largely defined by the powerful and that both the definition and application of the label 'criminal' is selective, being applied particularly to less powerful groups in society through discourses which involve 'othering'. The discourses involved draw attention away from the actions and inactions of powerful groups even if these result in much more harm than actions which are criminalised. These processes are increasingly shaped by actors and processes which are not confined to individual nations, particularly with the increasing role of transnational corporations.

The course has shown you the ways in which a focus on harm rather than crime provides an approach which moves beyond criminology and which offers great potential for providing news ways of understanding social life and promoting social justice. The course has argued that both crime and harm cannot be understood without the analysis of power and inequality, and must also incorporate an understanding of the global dimensions of harm production.

References

- Allen, G. and Dempsey, M. (2018) *Terrorism in Great Britain: The Statistics*, House of Commons Briefing Paper Number CBP7613, 7 June 2018
- Amnesty International (2018) 'Guantànamo Bay: 14 years of injustice' [online]. Available at https://www.amnesty.org.uk/guantanamo-bay-human-rights?&gclid=EAlaIQobCh-MltdP0xfTK4gIVirftCh1IKQc9EAAYAiAAEgKxpPD_BwE (Accessed 2 June 2019).
- Asante-Muhammad, D. and Patterson, K. (2016) 'A tale of two cities: racial economic inequality in New Orleans and Miami', *The Huffington Post* [online]. Available at: https://www.huffpost.com/entry/a-tale-of-two-cities-raci_b_12768608 (Accessed 5 April 2019).
- Coombes, R. (2017) 'Every breath we take', *BMJ (Clinical research edition)*.
- Crowley, S. (2006) 'Where is home? Housing for low-income people after the 2005 hurricanes' in Hartman, C. and Squires, G. (eds) (2006) *There is No Such Thing as a Natural Disaster: Race, Class and Hurricane Katrina*, New York, Routledge, pp. 121–66.
- Culhane, J. G. (2007) 'What does justice require for the victims of Katrina and September 11?', *DePaul Journal of Health Care Law*, vol. 10, no. 2, pp. 177–212.
- Davis, A. Y. (2003) *Are Prisons Obsolete?*, New York, Seven Stories Press.
- Faust, K. and Kauzlarich, D. (2008) 'Hurricane Katrina victimization as a state crime of omission', *Critical Criminology*, vol. 16, no. 2, pp. 85–103.

- Galtung, J. (1969) 'Violence, peace, and peace research', *Journal of Peace Research*, vol. 6, no. 3, pp. 167-91.
- Harris, J. (2013) 'Serco: the company that is running Britain', *Guardian*, 29 July [Online]. Available at <https://www.theguardian.com/business/2013/jul/29/serco-biggest-company-never-heard-of> (Accessed 6 April 2019).
- Hagopian, A., Flaxman, A., Takaro, T., Al Shatari, S., Rajaratnam, J., Becker, S., Levin-Rector, A., Galway, L., Al-Yasserli, B., Weiss, W., Murray, C. and Burnham, G. (2013) *Mortality in Iraq Associated with the 2003–2011 War and Occupation: Findings from a National Cluster Sample Survey by the University Collaborative Iraq Mortality Study*, PLOS Medicine [Online]. Available at <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1001533> (Accessed 10 January 2018).
- Hartman, C. and Squires, G. (eds) (2006a) *There is No Such Thing as a Natural Disaster: Race, Class and Hurricane Katrina*, New York, Routledge.
- Hartman, C. and Squires, G. (2006b) 'Pre-Katrina, post-Katrina', in Hartman, C. and Squires, G. (eds) (2006) *There is No Such Thing as a Natural Disaster: Race, Class and Hurricane Katrina*, New York, Routledge, pp. 1–11.
- Hillyard, P. and Tombs, S. (2007) 'From "crime" to social harm?', *Crime, Law and Social Change*, vol. 48, iss. 1–2, pp. 9–25.
- IPSO (2016) IPSO upholds complaint that Sun article was significantly misleading [online], available at: <https://www.ipso.co.uk/news-press-releases/press-releases/ipso-upholds-complaint-that-sun-article-was-significantly-misleading/> (Accessed 1 August 2019).
- Iraq Body Count (2018) 'Database: Documented civilian deaths from violence' [Online]. Available at <https://www.iraqbodycount.org/database/> (Accessed 11 January 2019).
- Kelly, M. (2013) 'What the BBC conceals on private prisons research', *OpenDemocracy*, 21 February [Online]. Available at <https://www.opendemocracy.net/shinealight/mel-kelly/what-bbc-conceals-on-private-prisons-research> (Accessed 11 December 2018).
- Malley, R. and Finer, J. (2018) 'The Long Shadow of 9/11', *Foreign Affairs* vol. 97, no. 4 pp. 58–69
- Matthews, R. and Kauzlarich, D. (2007) 'State crimes and state harms: a tale of two definitional frameworks', *Crime, Law and Social Change*, vol. 48, pp. 43–55.
- McEvoy, K. (2001) *Paramilitary Imprisonment in Northern Ireland: Resistance, Management and Release*, Oxford, Oxford University Press.
- NBC News (2005), 'Katrina victims blame racism for slow aid: Emotions flare as black survivors testify before special House panel', *NBC News*, 12 June [Online]. Available at: http://www.nbcnews.com/id/10354221/ns/us_news-katrina_the_long_road_back/t/katrina-victims-blame-racism-slow-aid/#.XKeHFslKjIU (Accessed 5 April 2019).
- Pantazis, C. and Pemberton, S. (2012) 'Reconfiguring security and liberty', *British Journal of Criminology*, vol. 52, iss. 3, pp. 651–67.
- Picchi, A. (2018) '9 American cities with the worst income inequality', 8 February, *CBS News* [Online]. Available at: <https://www.cbsnews.com/media/9-american-cities-with-the-worst-income-inequality/> (Accessed 5 April 2019).

Royal College of Physicians (2016) 'Every breath we take: the lifelong impact of air pollution' [Online]. Available at <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution> (Accessed 2 June 2019),

Sasser, B. (2006) 'After Hurricane Katrina: locking out New Orleans' Poor', *Spiegel Online*, 12 June [Online]. Available at <http://www.spiegel.de/international/after-hurricane-katrina-locking-out-new-orleans-poor-a-420880.html> (Accessed 6 April 2019).

UNODC (n.d.) *Human Trafficking – What is Human Trafficking?* [Online]. Available at <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (Accessed 28 June 2019).

UNODC (2011) 'PO (Nigeria) and Secretary of State for the Home Department [2011] EWCA Civ 132', SHERLOC Case Law Database [Online]. Available at https://sherloc.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/gbr/2011/po_nigeria_and_secretary_of_state_for_the_home_department_2011_ewca_civ_132.html?lng=en&tmpl=sherloc (Accessed 6 April 2019).

Watson Institute for International Public Affairs (2018) *Human Cost of the Post-9/11 Wars: Lethality and the Need for Transparency*, Brown University [Online]. Available at <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2018/Human%20Costs%2C%20Nov%208%202018%20CoW.pdf> (Accessed 15 February 2019).

Webber, F. (2004) 'The war on migration' in Hillyard, P., Pantazis, C., Tombs, S. and Gordon, D. (eds) *Beyond Criminology: Taking Harm Seriously*, London, Pluto Press, pp. 133–55.

Acknowledgements

This free course was written by Karen Cereso and Martin Holborn. It is based on Open University course content written by Lynne Copson, Gabi Kent and Daniel McCulloch. It was first published in September 2019.

Except for third party materials and otherwise stated (see [terms and conditions](#)), this content is made available under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 Licence](#).

The material acknowledged below is Proprietary and used under licence (not subject to Creative Commons Licence). Grateful acknowledgement is made to the following sources for permission to reproduce material in this free course:

Images

Course image: © kodda/iStock

Figure 1: © VladCa/iStock/Getty Images

Figure 2: © MicroStockHub/iStock/Getty Images

Figure 3: © ParkerDeen/E+/Getty Images

Figure 4: ioerror via Flickr, This file is licensed under a Creative Commons Attribution Share Alike 2.0 Generic Licence, <https://creativecommons.org/licenses/by-sa/2.0/>

Figure 5: © Alex Wong/Getty Images

Figure 6: © baona/iStock/Getty Images

Figure 7: Adapted from Corrections Documentary Project, <http://correctionsproject.com>

Figure 8: © NurPhoto/Getty Images

Figure 9: © Photoshot/Getty Images

Figure 10: © Andy Singer/Cagle Cartoons Inc

Figure 11: © Joel Carillet/iStock Unreleased/Getty Images

Figure 12: Newton Dunn, T. (2015) '1 in 5 Brit Muslims' sympathy for jihadis', 23 November, *The Sun*.

Audio-visual

Video 1: From gorallogaia's YouTube channel, <https://creativecommons.org/licenses/by/3.0/legalcode>

Every effort has been made to contact copyright owners. If any have been inadvertently overlooked, the publishers will be pleased to make the necessary arrangements at the first opportunity.

Don't miss out

If reading this text has inspired you to learn more, you may be interested in joining the millions of people who discover our free learning resources and qualifications by visiting The Open University – www.open.edu/openlearn/free-courses.