Article

Favouring 'social harm' over 'crime' in criminology

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Abstract

In criminological history, crime and how to prevent and identify it has been the focus of criminologists since the late 18th century whereby crime is an 'infraction of the criminal law' (Newburn, 2017: 8). The development of zemiology in the 1990s with a focus on the broader notion of social harm and relational justice asserted that crime is only surface deep. Social harm is the term given that governs the processes involved in individual harm and the ways individuals' needs are prevented. These harms often result from corporate benefits that are often suppressed from the public eye. Invisible crimes, white-collar crimes and business crimes will be referred to in the context of social harm. Detaching criminology from creating laws for human behaviour and individualised justice ensures there is more attention directed towards structurally related harms that contribute to the neglect of human needs. Human rights abuses such as racism and sexism, and benches 'replaced with uncomfortable seats that are impossible to sleep on' (Kandel, 1992: 39) to stop homeless people from sleeping rough are origins of harm that are overlooked. The Chernobyl catastrophe will be sourced to better display the harms that are not considered and the consequences of reactionary justice within crime control. This article will present an overview of criminology and its core concepts. Then, the effectiveness of zemiology and the concept of social harm will be evaluated, addressing how the concept developed in the context of subsequent socio-political culture. A comparison will be formed by juxtaposing social harm and crime to assess which is more criminologically useful for criminal investigation and application. A conclusion will be met by addressing the merits and drawbacks of both concepts, substantiating the significance of the superior concept and considering the overall implications this has for the study of crime.

Keywords: Zemiology, social harm, crime, criminology, concepts.

Criminology is defined as the study of 'crime', 'those who commit crime', and 'the criminal justice and penal systems' (Newburn, 2017: 6). The coinage of the term Criminology is 'generally credited to an Italian academic lawyer, Raffaele Garofalo' (Newburn, 2017: 4) who published their book,

Criminology, in 1885 at a time when scholars were concerned with how to define and manage crime. Cultural movements emerged such as Classicism and Positivism to regulate behaviour to reduce criminality. Italian criminologist, Cesare Beccaria, developed Classicism in the 18th century and argued people have free will and control over their actions.

It was also believed that 'the seriousness of the crime should be determined by the harm inflicted' (Grant and Valier, 2002: 7) which highlighted the concept of proportionality when assessing crime. The founder of modern utilitarianism, Jeremy Bentham, believed humans behaved according to pain and pleasure principles which should be managed to achieve 'the greatest happiness of the greatest number' (Bentham and Mill, 2004). In response to the industrial revolution, economic evolutions were being made including Bentham's concept of the panopticon prison structure. By the 19th century there were attempts to make criminology more science-based to determine criminality over assuming rationality in the offender. Cesare Lombroso developed Biological Positivism, asserting people are born criminals identifiable through physical traits such as 'deviation in head size and shape' (Wolfgang, 1961: 370). With Sigmund Freud's psychological pleasure, reality and idealistic principles to the sociological shift to organic solidarity and geographical influence on crime, these key theorists aimed to develop a fair, equal and efficient justice system for all, collectively enhancing criminological thinking in more areas of society.

The 1960s saw the growth of hippieism and with it an emerging idealist paradigm of radical criminology. It asserted that 'the ruling class' create laws that operate society to dominate 'the working class', preventing their needs from being met whilst labelling and stereotyping them as mentally ill (Bernard, 1981). This right realist criminological framework has been prominent in the process of preventing, defining and reacting to crime determined by individual circumstances. Despite welfarism and rehabilitation, the prison population 'increased steadily' due to newly defined crimes which positioned more individuals in prison (Sturge, 2022: 17).

Post-Thatcherite consensus reappraised crime prevention with renewed strategies initiating feminist, radical and neo-classist criminological beliefs, and the later-emerging zemiology. The resurgence of crime control under neo-classicism at this time reintegrated the just deserts political philosophy with a renewed focus on rational choice, preventing and reacting to crimes rather than causes. With the belief that the individual calculates 'the likely costs and benefits' (Scott, 2000: 1) to achieve their self-interest, the aim was to make crime less rewarding to deter the offender. In summary, criminology has always been concerned with criminogenesis. Though, more modern crime solutions are not adapted to irrationality and harm – with the belief of punishing and reforming the offender against insistent legislation.

Since classical theory, crime and criminology have helped develop policies to abolish cruel and arbitrary methods of punishment such as the death penalty. Early inventions such as the panopticon blueprint for prison architecture formed the basis of prison construction useful in instilling control over prisoners and CCTV was developed in response to the increasing crime rates actively deterring criminal activity. Criminology has drawn upon and contributed to the development of sociological, political, philosophical, biological and economic research. It considers theories from 'Marxism, feminism, post-structuralism, post-modernism' (Garland and Sparks, 2000: 6-7) and agencies from the 'punishment of offenders' through retribution, and 'the reform' of offenders through rehabilitation (Criminal Justice Act, 2003). This evidential foundation highlights that crime is criminologically useful in managing cultural values using legislation.

Crime also initiated proportionality, biological and psychological predispositions to criminality, and highlighted the inevitability of crime – all of which have proven useful to criminological applications. Moreover, when considering the impact crime has had on society it is important to consider monumental cases. Crime assessed the James Bulger killers in the 1990s, punishing them for their crimes despite the media-fuelled moral panics and social demonisation. Just desert beliefs were enforced by the Criminal Justice Act 1991 at this time though, one of the killers continued to commit crimes, highlighting criminology's failure in preventing crime and protecting people from criminal harm by opting to primarily react to crime. Acts of reoffending are criminology's greatest downfall whereby it fails to deter or reform the offender, resulting in increased crime rates, prison overcrowding and economic spending. In addition, methods from leftist to rightist beliefs of crime are socially controversial being either too soft by reforming the offender or too strict, by perceiving the offender as indisputably responsible for their criminality, which generates stereotypes and social movements. It is evident that criminology's grand science of crime effectively highlighted causes and prevention strategies attributing to its criminological usefulness.

The grand scope of criminology also opens it up to heavy criticism. For example, feminist criminology asserted that 'knowledge is limited and privileged by our position' (Halpern, 2019: 5) whereby women were not recognised, attributing to the hidden figure of crime. Other crimes such as white-collar and corporal crime were also ignored which simulates criminology's predisposition to certain types of crimes. Also considered a racist approach, positivism was critiqued for being outdated whereby biological, psychological and sociological factors were considered exclusively criminal. Structural marginalisation can still be seen in methods of hostile architecture which enforces 'uncomfortable seats' for homeless people (Kandel, 1992: 39) or spotlights to shift them somewhere else. These only reduce sleeping rough crime rate statistics instead of actively solving

homelessness. Since the average person is ignorant of the structurally related factors that expose people to crime, it self-sustains public confidence in crime.

Criminology being so embedded into politics has also constituted several reforms, moral panics and protests. Some protests aim to divert spending cuts from policing showing 'no correlation nationally between spending and crime rates' to 'neglected areas like education, public health, housing, and youth services' (Cobbina-Dungy et al, 2022: 18-19). In summary, reactionary administrative criminology assuming rationality under autonomy disputes criminogenic risk factors such as poverty, mental illness, and social inequality, focusing only on the criminal event. Crime's long-lasting and evidence-grounded ethos successfully achieves its motive of studying crime but fails to prevent the causes of harm considered to be unexplainable by criminal acts.

Originating in Ancient Greek, "Zemia" or harm was adopted in the late 1990s whereby zemiology emerged critiquing administrative criminology's neglectful focus on socially related harms caused by invisible crimes. Zemiology is defined as 'the study of harm' that can be 'economic, physical, financial, emotional, and psychological' and infringes on human needs (Tombs, 2018: 4-15). Despite more aggressive right-realist policing from the 1970s, the rise in crime rates highlighted the flaws of crime, causing a shift from individualized justice to left-realist social and relational justice to which the concept of harm was emphasised.

Social harm focuses on the origins of harm with 'poverty', 'preventable illness', 'pollution', and 'resource depletion', derived from levels of state intervention which are not recognised under the law (Kotzé, 2018: 5). Zemiology critiques crimes' neglectful attitude toward these harmful issues with it failing to address crime, declaring it is culturally and temporarily dependant. Zemiology disagrees with studies of presumed rationality, emphasizing that crime control fails to achieve criminology's objectives. Concerned with the far-right neo-liberalist culture of social disregard and exploitation to pursue economic growth, leaving the responsibility to the individual (Venugopal, 2015), zemiology calls for data to be used to apply to these preventable harms. Victor Jupp coined the term 'invisible crime' as 'white-collar, corporate or business crime' (Davies et al, 2016: 37) which can harm individuals and companies to be prone to debt, injury and bifurcation inevitably lowering social morale and instilling mental health issues yet are barely acknowledged in crime statistics. Zemiology situates the need to punish these crimes. These crimes that go unnoticed contribute towards the "dark figure of crime" often caused by the media's underreport and biases with crime statistics, leading to victimisation and withdrawn victim surveys.

As a consequence of current methods of crime prevention, there is no chance for justice since 'those who are responsible… are afraid to antagonize business men' (Sutherland, 1945: 137) with courts taking briberies and pay-outs. The study of social harm strives to punish these

"invisible criminals" and recognises the "invisible victims" of harm caused by their marginalised 'gender' 'ethnicity and race', targeted by existing structures of power such as the police (Tombs, 2018: 6). For example, black people are '4.4 times more likely' to be arrested than white people (Statewatch, 1999 cited in Joyce, 2013: 405) whereby it situates the structure of society as racist. Additionally, state crimes such as genocide, torture and assassination are illegal activities and are silently performed by governmental agencies that illicit harm towards affected individuals.

Furthermore, zemiology also considers environmental harm. Green Criminology first coined by Lynch in 1990 describes the 'criminological work that focuses specifically on issues pertaining to environmental harm' (White, 2013: 6). This has allowed for air pollution, plastic pollution, deforestation and fossil fuels – rendered invisible as a 'by-product' of 'technological development' (Davies et al, 2014) – to be highlighted for global resolve, pressurising the blameworthy companies to rethink their corporal strategies. In summary, zemiology critiques both the leftist and rightist sides of controlling crime since they both operate under some margin of harm and victimisation which negates the possibility of zemiology and criminology coexisting together. Zemiology has a limited but sustainable grounding for criminologically assessing crime by instead focusing on the harms that encapsulate more crimes from those in higher positions and applying the more culturally-applicable concept of harm.

Crime is no longer the only criminologically useful study anymore. Social harm has been useful in addressing 'social, psychological, physical and financial harmful consequences of social phenomena' (Naughton, 2003: 5) impacting the well-being of victims. It has also enabled the consideration of criminological harms rejected by governing crime agencies to provide information about why individuals are disadvantaged in addressing invisible crimes. Zemiology highlights that social harms are preventable based on social, cultural and economic factors to enact assistance to victims. Most importantly, acknowledging, identifying and cataloguing the crimes of the powerful was seen as shifting the blame to the actual crime pursuers and thus identifying criminogenesis. In recognising the stigmatised victimisation of marginalised groups by 'age', 'disability', 'gender', race', and 'religion' these were lawfully protected under the Equality Act 2010.

In addition to this, green criminology has highlighted the dangers of passively allowing environmental harm to be done and contributed towards the global effort to reduce 'toxic waste', 'bio-fuels' and 'the cutting down of trees' (Potter, 2010: 10-11). The Environment Agency (2022) acknowledged the need to "crackdown" on these widespread harms with the need to 'prevent waste crime', 'protect the environment', and 'pursue the criminals'. These harms are evident when considering tragedies like the Chernobyl disaster of 1986 - a nuclear powerplant explosion that led to '4.5 million... living in areas described as contaminated' (Bay and Oughton, 2005: 239). The

'health detriments from radiation exposure', and the consequential 'resettlement and lifestyle changes' showed the physical harm to the individuals affected (Bay and Oughton, 2005: 242). If the responsible engineers who violated safety regulations were better informed, the monetary costs of the accident and the harms attached could have been avoided, highlighting the effect corporal harm has due to negligence. The event also had a global impact on the environment, releasing radiation outwards from the explosion attributing to lingering harm through deaths and illness. Furthermore, the government decided to not release mortality rate data, covering up the event after 'no real attempts were made to fix' the problems (Kurylo, 2016: 57). This case highlights the ignorance government agencies can have over the public from the crime perspective – too concerned with economic status than the lives of the affected. It serves as a precedent to airing social harm's criminological usefulness whereby crime would not consider the victims, also identifying multiple areas of harm emission which could coerce these individuals into crimes.

There are also numerous complex issues regarding the social harm approach. Considering itself a divergent to crime, harmful acts are not always perceived to be criminal thus zemiology leaves victims without help. Zemiology raises questions querying 'how we define harm; how we measure harm; and how we prevent harm' (Pemberton, 2016). Though judging by the differing levels of volatility, assessing and managing harm is subjective to the individual, thus replicability is limited. It also does not classify which harms are more important than others. So, it can be argued that everyone has experienced some form of social harm, leading to improper usage of victimisation. Overall, pursuing zemiology calls for the transformation of socioeconomic distribution, which is unrealistic. Though, the zemiological approach including social harm is exclusively criminologically useful in assessing harm by collating invisible crimes that are otherwise overlooked by criminological agencies.

From classical to contemporary versions of crime control, criminology has been critiqued for its ignorance of social harm and "invisible" crime (Davies et al, 2016). Considering this, crime has had a long-lasting legacy contributing to treatment methods including rehabilitation to deterrence equipment of CCTV and electronic monitoring, reducing prison populations and attributing reforms to make society comfortable. Though zemiology highlighted that crime allows "solutions" to problems without consideration of the harm caused. Developments such as the original panopticon prison structure and present-day hostile architecture instil harm and control. This showcases crime's continuing resilience to address the root causes of crime. In addition to this, considering that crime emerged and adapted in response to crime rate fluctuations showcases that it hardly manages crime opting to react to it. Meanwhile, social harm emerged as a critique of criminology's neglectful attitude to the '4,316 miscarriage cases' representing the tip of the

zemiological iceberg (Naughton, 2003: 13). It is often subjective judgements about an individual's actions that are used in crime tests and are not objective. Whilst social harm highlights marginalised group categories that are now recognised under the law addressing the disparity between the average criminal and those in power positions. Social harm also identifies blameworthy criminals such as businessmen and the state that cover up their criminal activity evident in underrepresented crime statistics, accentuating that crime can pursue criminally attributing groups to alleviate harm.

Social harm is newer and thus has less theoretical grounding though has already situated itself in the process of environmental stability to which crime has negatively attributed towards. Thus, social harm has already proven itself as a more influential criminological approach. With Chernobyl occurring before social harms emergence, harm was not immediately considered. Though due to its emergence, it highlighted the 'environmental and ecological harms' (Copson, 2018: 6) contributing to poverty, homelessness, mental health issues and pollution which crime forgets, electing to punish criminal events that do not constitute harm. As a result, the engineers that did not follow protocols were blamed and arrested for the tragedy. Though social harm also considers the outwardly attributing factors of the USSR reducing spending. Considering other methods of assessing the harms of individuals allows for better insight into the ways the criminal justice system is accompanying them.

Asserting social harm as more criminologically useful would support the notion to adapt it into existing structures of criminological work. Crime is based purely on socially 'accepted models of normality' (Wykes, 2001: 17) whereby it has no ontological reality in that it varies based on culture. Whereas, harm is not constrained in this manner and thus applies to more cultures allowing for a larger range of its application, and expanding its criminological usefulness. Overall, the future of social harm may continue its identification of 'societal factors on harm production' striving to be fully disconnected from crime (Pemberton, 2016: 78). Though, crime could adapt more social harm methods into legislation and attribute its effective crime monitoring and identifying strategies to harm collated from corporal and business crimes. In summary, harm is a great critique of criminology whereby assessing crime based on harm can allow for more accurate and applicable sentencing for individuals not limited to the lower echelon of society.

In conclusion, the stress of managing the inflated prison population in the Thatcherite years led to the development of Zemiology in the 1990s with a focus on social harm. When addressing which of the two would be more criminologically useful, in theory, social harm is a preferred option due to its careful consideration of criminogenesis though it requires a relapse on how offenders are dealt with which is unlikely due to its socio-political strain. This disadvantage originates from criminology's very long history and applications in crime detection and managing

mechanisms. Despite recognition of patterns in criminal behaviour, it has led to marginalised individuals being targeted, instigating harm. Meanwhile, social harm allows for the prevention of invisible crimes overlooked by traditional crime organisations. Both are exclusively beneficial for criminology in their ways with crime being more appropriate for victims and rightist government agencies and social harm being more appropriate for accurate crime detection and prevention for leftist agencies. From a careful examination of social harm and its short lifespan, it is clear to see it has had its effective applications such as mitigating circumstances of minority individuals in law and lawful implementation of false reporting. Catastrophes such as Chernobyl were sourced to provide the evidential backdrop to the invisible acts of harm suppressed from the public eye for corporate gain. Though, some harms are not explainable by crime such as emotional, psychological or economic harms which have an adopted leftist view of supporting the victims. In summary, social harm has proven to be more suitable for managing crime and identifying criminogenesis and thus future crime developments may have a larger consideration of outwardly harms that contribute to a person's disposition.

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