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# Using zemiology as a means to make sense of responses to the Covid-19 pandemic.

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**Abstract**

To demonstrate the usefulness of a social harm perspective, the recent ways in which zemiology has been mobilised to make sense of Covid-19 will be explored. The Covid-19 pandemic delivered an unprecedented period of extreme sacrifice. To protect societies vulnerable and preserve life restrictions sacrificing our cultural freedoms, unseen since World War 2, started in March 2020 and were implemented in intensifying levels (Briggs et al., 2021). Borris Johnson's government imposed social harm by delaying appropriate responses, evasion, complications and lies in disproportion to the harms of the virus and its broader effects within marginalised sections of society. Simultaneously capitalising upon features of it as a foundation of political, financial and economic gain (Canning and Tombs, 2021). Is the public health approach justified to protect society from a specific harm when it causes many other exacerbated harms (Ahearne and Freudenthal, 2021)?

**Keywords:** social harm, zemiology, crime, Covid-19, injustice

Historically there are many criminological theories to account for what establishes "crime" – levels of crime, criminal victimisation, crime control and criminal behaviour. This article will explore the notion that 'social harm' is a more criminologically useful concept than crime – comparing criminological and zemiological juxtapositions – to demonstrate the usefulness of a social harm perspective to make sense of the social injustices brought about by the Covid-19 pandemic.

Social constructs of criminals are subconsciously instilled in us from a young age – children play cops and robbers and determine an idea of what is socially acceptable, discovering what crime is – nonetheless, intrinsically there is not one historic occasion which defines crime. Fictitious events and stereotypical characters must be constructed before crime and criminals can exist. 'Crime has no ontological reality; it is a myth of everyday life' (Hillyard and Tombs, 2008:7). Hillyard and Tombs (2004) believe social harm to be a significant critical concept, rather than

crime, because harmful experiences go unpunished within society and only actions constituted as crimes are punishable historically through law.

Criminological thought has progressed from the period of European Enlightenment during the 17th and 18th centuries, when regardless of biology individuals belonged to hierarchical relationships such as children to parents, employees to employers and church goers to churches. Shifting during the 18th century, humanitarianism prevailed, categorising individuals through biological thought, hierarchy became invented based on what many considered as science (Roediger, 2019). Classicism followed this thought in the 18th and 19th century, theorists such as Cesare Beccaria (1963) and Jeremey Bentham (1879) supported a utilitarianist approach looking to free will to explain criminal behaviour (Moyer, 2001). Utilitarianism suggests decisions should be based on the greatest good for the greatest many (Bentham, 1879), applying it to zemiological thought is difficult because individuals experience harm at distinct levels, highlighting the need for its consideration.

Cesare Lombroso, considered as the founding father of positivist criminology, declared that individuals were born criminal – proposing that the social environment had no effect on criminality (Lombroso, 1876). However, consideration of the social environment is important in zemiological development because it looks to explain social harm through socioeconomic, socio-political and sociocultural environments that cause social injustices and harm and not to the individual that is blamed through the Criminal Justice System (CJS). Social environments are, however, considered in some criminological theories, such as sociological positivism explored by theorists including Robert Merton (1938), linking social factors to crime. Merton, considered a founding father of modern criminology developed Durkheim's strain theory, looking at individual use of illegitimate means to achieve societal, ascertained goals (Merton, 1938). Similarly, environmental factors are considered in Neo-Marxism, looking at aspects of Marxism (Marx, 1867) and interactionalist theory to account for the criminalisation amongst marginalised groups in society. It is important to consider the development of criminological thought in comparison to zemiological thought and its usefulness in making sense of social injustices compared to the notion of crime. Similar concepts such as critical criminology emerged in the 90's (Cohen, 1998) but have limitations failing to incorporate critical theory of social harm, focusing on the key concepts of crime/crime control. Zemiology provides a deeper theoretical basis for analysis of social recognition to understand social harms and the connection to crime (Hall and Winlow, 2012).

Zemiology, derived from the Greek Xemia meaning harm, indicates the study of harm – serving those whose interest lies beyond criminology (Pemberton, 2015). Zemiology can be more clearly articulated using the notion of social harm as a field of study seeking to 'provide an

alternative lens that captures the vicissitudes of contemporary life' … [shifting] … 'emphasis from individual level harms to those associated with states and corporations' (Pemberton 2015:7). Types of harm based on socioeconomic positioning are not distributed randomly but linked with intersectional differences such as class, race, sexuality, age, ethnicity etc. Types of harm could be physical, financial/economic, emotional and psychological, sexual and depend on cultural safety, defined by people's understandings, attitudes and perceptions and are usually influenced by policies implemented by those in power. Social harm systematically denies people opportunity – producing negative outcomes at individual and societal levels which leads to social exclusion – distributed unequally causing social stratifications (Hillyard and Tombs, 2004). Social harms occur from the consequential macro level processes and Wilkerson (1995) argues harm rather than crime is better suited to explain challenging social problems.

To demonstrate the usefulness of a social harm perspective, the recent ways in which zemiology has been mobilised to make sense of Covid-19 will be explored. The Covid-19 pandemic delivered an unprecedented period of extreme sacrifice. To protect societies vulnerable and preserve life restrictions sacrificing our cultural freedoms, unseen since World War 2, started in March 2020 and were implemented in intensifying levels (Briggs *et al.*, 2021). Borris Johnson's government imposed social harm by delaying appropriate responses, evasion, complications and lies in disproportion to the harms of the virus and its broader effects within marginalised sections of society. Simultaneously capitalising upon features of it as a foundation of political, financial and economic gain (Canning and Tombs, 2021). Is the public health approach justified to protect society from a specific harm when it causes many other exacerbated harms (Ahearne and Freudenthal, 2021)?

Countless individuals have suffered sustained separation from support networks, friends and family, institutions and cultural interests that offer structural and meaningful routine, connections, identity and purpose. Saad-Filho (2020) predicted catastrophic economic uncertainty because of the pandemic. The lack of opportunities, to prevent harm, presented to different social groups became progressively more evident: 'the uber-rich moved into their yachts, the merely rich fled to their second homes, the middle class struggled to work from home' (Saad-Filho, 2020: 480). Ultimately, affluence minimised the harms caused by restrictions of daily life and social distancing measures. The working class prospectively employed in frontline occupations 'to help save lives and the economy - cleaning hospitals, manning the checkouts, transporting essentials and ensuring our security' (Schwab and Malleret, 2020: 80), sacrificing their needs against the virus to protect the others in society. Given the title "key worker" to justify their active employment, while others were confined to dwellings, to keep our society functioning. The systemic sacrifices further

justified by the "Clap for the NHS" campaign which allowed us to stand at our door and deliver a tokenistic gesture while their working conditions essentially remained unchanged. (Briggs *et al.*, 2020).

Girard (2013:1) links sacrifice to violence, suggesting there is 'hardly any form of violence that cannot be described in terms of sacrifice'. Violence is considered a crime, so can the social harms endured during Covid-19 be described as criminal or better understood through zemiological thought because no criminal law was broken? The sacrifices made during Covid-19 have quickly been overlooked by higher positioned individuals within society, and therefore can be described in an unequal and violent system. A systemic pursuit, perceived as a moral responsibility, can be understood as a symbol of systemic violence that serves current neoliberal systems by harming certain sections of society. The political ideology of neoliberalism places emphasis on individual societal status (Hall and Winlow, 2013). Consequently, several of those sacrificed belonged to marginalised sections of society, branded as 'losers upon the field of neoliberal capitalism' (Briggs *et al.*, 2021:15). The structural violence and the harms inflicted identifies the consequences of power inequality through the lack of political accountability. Individual capitalistic consumption viewed by zemiological influence can assist us to identify the causes of these harms and how and we can address them (Briggs *et al.*, 2021).

Catastrophic consequences of these harms endured as a result of lockdown restrictions – described as 'social murder' by Friedrich Engels – (Sim and Tombs, 2021) are exposed in statistical evidence and examples of unemployment, poverty, education and mental health will be explored in this section. There were 318,000 more people recorded as unemployed in September 2020 than in the same month of 2019 when the pandemic began and consistent with employment harms 314,000 redundancies recorded from July to September 2020 (ONS, 2020). In relation, closure of businesses in September 2021 was 50% higher than in September 2019 (Williams, 2021). The largest decline was within the retail and hospitality sectors - consistent with governmental policy to close hospitality and retail venues, only allowing shops which sell "essential" items to remain open – many closed never reopening (Briggs *et.al*, 2021). Unsurprisingly the number of people in extreme poverty increased from 1.8 million in 2003 to 6.5 million in 2020 (Butler, 2022). Individual experience of poverty can be categorised further by addressing intersectional inequality such as race – where oppression interacts and reinforces another through interlocking pathways – creating additional segregation from other marginalised groups (Muntu, 2019 cited in Nayak and Robbins, 2019). Ethnic minority people account for 26% of those experiencing deep poverty, despite making up only 15% of the population, 2.2 times more likely than white people. When we break

down these figures further, 9.30% of children from ethnic minority backgrounds were in poverty in 2021 compared to 2.90% of white children (Butler, 2022).

Covid-19 disrupted many aspects of life for young people, including education which impacted opportunities through online learning from home. Children of lower socioeconomic positioning spent approximately less than 1.5 hours a day completing schoolwork than higher positioned children - technological deprivation (1.9 million households had no internet access) and lack of parental support affected their capacity of completing work (Harris and Jones, 2020). In comparison to children with access to support and technology, 'it is likely that lockdowns intensified educational inequalities between poorer and more affluent school children' (Andrew *et al.*, 2020 cited in Ellis *et al.*, 2021:6). The documented impact of mental health issues amongst on these youngsters is astonishing! Between Friday 5th June and Monday 6th July 2020 - a period targeting reopening of schools – Young Minds conducted a survey amongst 2036 young people; 80 % agreed Covid-19 had made their mental health worse, 87% said they felt lonely and isolated during restrictions and 31% receiving support pre pandemic were no longer accessing it. Another survey was carried out amongst 2,438 young people between 26th January and 12th February 2021; 75% agreed the current lockdown was harder to cope with than the previous, 67% believed it would have long term effects on their mental health and 79% said they thought their mental health would improve when restrictions were lifted (Young Minds, 2020). Also consistent with adult members of society, O'Connor *et al.*, (2020) reported that one in seven adults experienced hopeless thoughts relating to suicide, in addition to those experiencing feelings of loneliness due to social isolation.

These statistics allow us analyses through many social scientific disciplines but zemological thought allows us to look at the causes of harm inflicted by breakdowns in control functions and look for solutions to minimise, recognise and contain harms (Ray, 2011). This is particularly evident when looking at domestic abuse through crime figures in comparison to zemiological thought to show how using crime figures alone can create a false perception. ONS (2020), recorded 65,716 domestic abuse related incidents in December 2019 and during the month of April 2020 (during the first lockdown) only 61,947 domestic abuse related incidents were reported. In contrast, the charity Refuge received 25% more calls relating to domestic abuse in the month of April 2020 (Nicola, 2020). The Crime Survey for England and Wales (CSEW) suspended face-to-face interviews from 17th March 2020 and designed a new telephone-based survey with fewer participants (ONS, 2020) which is also consistent with lower figures on this particular survey. According to Women's Aid (2020), 91.3% of their surveyed participants said Covid-19 impacted their experience of abuse in more than one way, with 50.7% saying their abuse got worse during

lockdown, 52.2% saying they were more afraid during lockdown, 58% felt they had no one to turn to and 15.9% said they could not access any support services (Austin *et al.*, 2020). This supports the zemiological thought that sacrifice connects to harm and highlights the limitations of criminological thought – crime figures show domestic abuse incidents decreased but upon investigation, Covid-19 restrictions caused the victims of domestic abuse greater harm than public health protection (Ellis, *et al.*, 2021). Maintaining this hypothesis, from April to June 2020 domestic abuse related incidents increased by 9% - coinciding with the reduction of covid-19 related restrictions, making it easier for victims to contact the police (ONS, 2020).

The Covid-19 pandemic represented 'the purest and most extreme embodiment of the abusive, negligent and exploitative relationships between the capitalist socio-economic system and the individual' (Hall and Wilson, 2014: 650). Ethically irreversible violent harms were inflicted, in a social and economic system, amongst categorised disposable members of society. Decisions made by "experts" were expected to be followed without any explanation and regardless of the consequences (Hochuli, *et al.*, 2021). Judgements surrounding the quality of human life could be considered the ultimate harm, exposing discrimination undermining the worth of human life (Bledsoe, *et al.* 2020). In 2020 Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) orders were utilised and placed on patient's files without consent or discussion from them, their families or services they were under. Justified by these individuals having certain health conditions which categorised their quality of life lower than those without these conditions and freeing up some capacity within the NHS (Booth, 2020). During the Covid-19 pandemic, Compassion in Dying saw an increase (from 6% of calls in 2019 to 13% in 2020) in the number of people contacting them for information and support on DNACPR decisions to protect themselves and loved ones. Sadly, many died without the opportunity to be involved in decisions about their own care and treatment – if a DNACPR decision was discussed – communicated to them inconsiderately without concern for their opinion. Several DNACPR placed on files, including that of Sonia Deleon, were labelled as "Blanket DNACPRs" because the families claimed they did not know about them and would have contested them if they had been informed. Sally-Rose Cyrille (Miss Deleon's sister) said 'Sone was totally written off. She was devalued, dehumanised and her life was not of value', due to her having learning difficulties (Buchanan, 2021:1). Miss Deleon died during a heart attack in hospital when cardiopulmonary resuscitation (CPR) was not administered (Buchanan, 2021). A current inquiry is underway into their moral and ethical usage but at present no one has been held accountable due to inconsistencies interpretating the surrounding laws and policies (Compassion in Dying, 2020).

Box (1983) recognises consequences of serious harms and the lack of criminal responsibility taken due to dominant legal policies serving those in power. If we compare DNACPR policies, outcomes and accountability to legalisation passed to enforce lockdown restrictions, it is evident which is taken more seriously in our CJS system in comparison to which caused most harm. Whilst no one has been held accountable when human rights and equality laws were ignored, causing avoidable deaths surrounding DNACPRs, thousands of Fixed Penalty Notices (FPNs) were issued for breaching lockdown rules (Dyer, 2021). A clear and concise approach amongst CJS agencies was implemented in response to enforcing coronavirus restrictions (Brown, 2020). A new range of powers were given to the police and other agencies to, engage, explain, encourage and enforce the new regulations. The police could enter homes in England and Wales, without proprietors' permission, to enforce restriction rules – restriction rules paradoxically stated no one else could – not even family members could enter another family home. During periods of lockdown the number of FPNs issued by the police have seen a significant increase – between 27 March 2020 and the 20 June 2021, 117,213 FPNs were issued in England and Wales under lockdown regulations. 1,552 FPNs per week were issued during the first lockdown compared to an average of 4,491 during the third lockdown. 737 FPNs up to 20 June 2021 were issued to those breaching international travel regulations, with imprisonment of ten years, if convicted at crown court, for those committing fraud surrounding misleading information to avoid quarantine hotels (Brown, 2020). The former Health Secretary, Matt Hancock, imposed these strict measures – allowed under the 1981 Forgery and Counterfeiting Act – several MPs, unable to vote for this measure considered them 'utterly ridiculous' and 'misleading spin' used to serve those in power (Elgot and Weaver, 2021:1). Nazir Afzal, (North-West, Chief Prosecutor) attempted to prosecute MP Dominic Cummings when he made a 30-mile round trip during the first lockdown, commented that the measures were disproportionate 'you will get a longer sentence for lying about travel than you do for carrying a firearm in the street' and people with 'means or connections can get round this easily as we have seen' (Elgot and Weaver, 2021:1). Identified by academics as the 'cummings effect' (Bland, 2020:1) it produced an enormous decline in governmental support from the public – the police complained it created difficulties enforcing lockdown rules on the public. Nevertheless and arguably hypocritical, a member of the public, Lukman Majeed was then fined for breaching the law surrounding travel restrictions, travelling to another town for religious purposes (Weaver, 2020).

To conclude findings, the juxtapositions within zemiology and criminology are imperative in understanding the undeniable relationship between inequality and crime – rather than placing sociocultural emphasis on one or the other and the disadvantages of criminal conduct compared

to social injustice. The social injustices experienced during Covid-19 and analysed through zemiological thought identified an increase in the relative inequality index (the gap between rich and poor) – creating intensifying and uncontrollable, associated levels of harms throughout society but particularly amongst the marginalised sections. The explored social injustices and harmful experiences would not be fully recognised in criminological thought alone – going unpunished within society because historically only actions constituted as crimes are punishable through law. Crime restricts criminological thought serving to maintain existing power relationships, failing to recognise dangerous acts from those in power – zemiology identifies the consequences of power inequality through the lack of political accountability – proving the notion that 'social harm' is a more criminologically useful concept than 'crime'.

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