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1

Introduction

A number of years ago, at the annual conference of the European Group for the Study of Deviance and Social Control, a long-standing debate within and around criminology (re)emerged as a dominant theme of discussions outside the formal sessions – namely, what is the theoretical rationale and political utility of retaining a commitment to the analysis of crime, (criminal) law and the criminal justice system? During those discussions, an alternative focus, around the notion of social harm, was explored as well as the theoretical feasibility and policy potential of an alternative set of discourses.¹ The exploration of these issues was developed subsequently at a conference in 1999 organised and hosted by colleagues at the School for Policy Studies, University of Bristol. Since then we have presented a number of conference papers on various aspects of social harm. This book is a product of all these deliberations.

The principal aim of a social harm approach is to move beyond the narrow confines of criminology with its focus on harms defined by whether or not they constitute a crime, to a focus on all the different types of harms, which people experience from the cradle to the grave. The range and type of harm people experience during their life course are, of course, extremely varied. Many will suffer food-poisoning, others will die in car crashes or be run over by a car, some will fall off ladders doing DIY in the home, a large number will die or be injured either going to work or while at work, others will die or will be disabled for life from medical mistakes or other factors such as super bugs in hospitals, many will suffer considerable financial loss as a direct result of mis-selling of pensions, endowment policies and other financial products. Some of these events will be captured by the criminal law. Most of the events, however, will not be seen as criminal and categorised in a variety of different ways from ‘outcomes of the market economy’ to ‘accidents’ or ‘mistakes’. Yet for the person who dies, whether it is from a deliberate act, ‘accident’ or indifference they are still dead with all the social and economic consequences for their family and friends. Similarly, if a person is injured or they ‘lose’ their life savings,

the immediate harm is the same whether it is socially constructed as a crime or a mistake. Thus, it is a central premise of this book that it makes no sense to separate out harms, which can be defined as criminal, from all other types of harm. All forms of harms we argue must be considered and analysed together. Otherwise a very distorted view of the world will be produced.

Our argument is not that the harms resulting from events, acts and omissions, which are defined in the criminal law, are unimportant or that criminology as a discipline does not have a contribution to make to the understanding of harm. On the contrary, a number of the harms arising from events which are defined as criminal are socially, economically and psychologically very damaging and have widespread consequences. Our argument is that a number of consequences arise as a direct result of the bracketing of crime from other harms and focusing extensively on criminal harm. It provides a highly partial, biased and distorted view of the nature and extent of harms people experience during their lifetime and makes any attempt to explain the origins of criminal harms suspect. Moreover, it helps to perpetuate the belief that the solution to many different forms of social harm is by criminalizing them and ratcheting up and broadening the aims of the criminal justice system. More fundamentally, it leads to a neglect of much more damaging and dangerous forms of harm.

The book seeks to explore a number of different types of harm and to make a theoretical contribution to discussions around the conceptualisation of the notion of harm, as well as attempting to explain why so much harm takes place. To this end the book brings together a number of chapters written by the four editors, as well as a number of specifically commissioned chapters to explore various aspects of the study of social harm. We make no claims to provide a definitive text on the subject. There are a number of obvious gaps in the substantive harms considered and the theoretical ideas are in their infancy. This is inevitable in embarking on a new enterprise. Nevertheless, the book provides the broad contours of a social harm perspective and lays down a challenge to move beyond criminology to a more holistic analysis of the vagaries that are likely to befall all of us.

The book opens with an analysis by Paddy Hillyard and Steve Tombs of the key features of the debate as it currently stands between, on the one hand, those who would retain a commitment to 'crime' and criminology and, on the other hand, those who would abandon criminology for a social harm perspective. To this end, the chapter begins by highlighting several criticisms of criminology, criticisms raised in particular by a diverse group of critical criminologists over the past 30 to 40 years.

While these are hardly new, the rehearsal of these is an important starting point for a discussion of the potential of the development of an alternative discipline. The chapter then proposes a number of reasons why a disciplinary approach organised around a notion of social harm may prove to be more productive than has criminology hitherto: that is, may have the potential for greater theoretical coherence and imagination, and for more political progress.

There is no simple assumption here, or throughout the pages that follow, that a social harm approach has a necessary superiority over criminology, and that the study of each has potential advantages over the other. While there certainly are potential problems to be faced in any shift away from criminology towards a social harm approach, arguments can be made for this shift to occur. It is our view that the contributions presented in this volume represent a significant testimony both to the limits of criminology and, more importantly, to the possible advantages of a disciplinary approach based around a concept of social harm. It also needs to be emphasised, however, that, even if we are to accept that there are an array of merits and disadvantages to each discipline, then there *are* bases for evaluating or arbitrating between these competing claims. For us, as critical social scientists, key questions that must be asked of a discipline are to what end, and for whom, does it seek to produce knowledge? The more adequate discipline, then, is the one which produces knowledge more likely to enhance social justice. Ultimately, the issue of any shift from criminology to a social harm approach must be resolved from the viewpoint of a politics informed by social justice.

A central thesis of the book is that much harm is 'the social wreckage of neo-liberal globalisation'.² In Chapter 3 Steve Tombs and Paddy Hillyard therefore present a theoretical framework to explain the production of harm based on a critique of economic policies in general, and the neo-liberal paradigm in particular. The first part of the chapter explores some of the principal characteristics of this model: the growing concentration of economic power, the moves to further deregulation, the hegemony of the project and, perhaps most important of all, the exponential increases in the levels of inequality in the world. The second part of the chapter attempts to develop an initial typology of the different forms of harm which are directly or indirectly produced by the neo-liberal model of economic progress. While the chapter provides an overarching explanation, we would not argue that everything could be explained by a political economy approach. Custom, tradition, gender, race and other factors are all important as illustrated in other chapters.

One of the considerable ironies of the apparent triumph of western liberalism is that it exists alongside the chaos of war, crime and poverty. These phenomena occur not only in developing countries but also in the developed world. In the most advanced democratic society in the world, as Jamil Salmi points out in Chapter 4, 20 per cent of the children live in poverty, 3.5 million people are homeless, one-third of all families go hungry on a regular basis, 42 million live without health insurance, 23,000 people are murdered and 50,000 rapes are reported every year. To top it all, it has the highest concentration of jailed people in the world. How can such staggering levels of violence coexist, he asks, alongside capitalism and democracy? To understand violence he develops a systematic analytical framework to explore its various dimensions and then identifies the patterns and relationships linking the various manifestations of violence to the prevailing economic, social and political power structures in an effort to establish accountability.

Another considerable irony of the apparent triumph of western liberalism and its rhetoric of rights and responsibilities is the utter indifference it shows to the production of harm. In Chapter 5 Simon Pemberton seeks to identify the processes which operate in capitalist society to promote moral indifference among its population to the suffering of others. He begins by pointing out the lack of interest of mainstream criminology in the topic before assessing the contribution of critical criminology. He provides a perceptive comparison between the importance given to the concept of intention and how it is central to the definition of crime and the notion of moral indifference. While the latter is potentially far more harmful than much intentional criminal events, it carries little or no opprobrium. In the second part of his chapter he attempts to develop a theory of moral indifference building upon Bauman's work.

In Chapter 6 Tony Ward argues that instead of all the harms caused by the state being incorporated into a social harm approach, they should be covered by a notion of state crime – defined as a form of organisational deviance involving human rights violations – and this topic should form part of criminology. This would further make the expanding cadres of students signed up for criminology courses aware that even on the most narrowly legalistic definition, serious crime is predominantly the activity of governments and government officials. Another important reason is political. Criminology, he suggests, should be part of the process of labelling and sanctioning this extensive form of harm. He touches on the political economy of state harm and argues that there are clear economic connections between state violence and economic conditions depending on whether the state is 'strong' or 'weak'. The

final section of his chapter outlines two possible ways of studying state harms that lie outside the concept of crime.

Miscarriages of justice are commonplace in any criminal justice system. In the United States they have received considerable attention in the context of the death penalty and in the United Kingdom (UK) there have been a number of very high-profile cases where innocent people have been found guilty of crimes which they did not commit and as a consequence have spent many years in jail before finally being released. In Chapter 7 Michael Naughton adopts a social harm approach to reorientate definitions of miscarriages of justice away from high-profile wrongful convictions to embrace the mundane routine successful appeals against criminal conviction. He catalogues the types of victims and the variety of forms of harm they experience as a result of a conviction which is overturned on appeal. He thus opens up an uncharted and little discussed but very important form of harm within the criminal justice system. Thus the chapter is not so much a critical engagement with the underlying theoretical or methodological tenets of a social harm approach, but a sympathetic *application* to illuminate the promise of a social harm approach in the specific area of wrongful criminal convictions. Its primary aim is to show the ability of a social harm approach to raise questions that have not hitherto been posed and, simultaneously, contribute to the establishment of new agendas for social problems.

In Chapter 8 Joe Sim considers what he terms as the ‘victimised state’ – the ideological construction of the nature and extent of violence and dangers facing prison and police officers. He deconstructs the official data concerning deaths and injuries sustained by these state servants, and challenges the social construction of these groups as ‘victimised’. He compares the approaches to the deaths of prison and police officers with deaths in state custody and police-induced deaths on the roads and considers the theoretical implications generated by the political and cultural fixation with the ‘victimised state’. In particular, he explores the links with the reinforcement of authoritarian law and order policies. There is a need, he suggests, to reflect on the *moral* underpinnings of state interventions and the role that regressive visions of morality play in defining and redefining the nature of these interventions. When a police or prison officer is murdered, the plaintive iconography that is mobilised must be challenged in order to try and avoid a further intensification in the state’s clampdown and the production of yet more harm.

Decomposing bodies washed ashore on beaches, frozen bodies found in the undercarriage wheels of aircraft and stacked bodies in lorry containers are just some of the horrific outcomes for people who

have attempted to leave their homes and start a new life elsewhere. Thousands upon thousands of men, women and children have died, and are dying annually. In a powerful and disturbing chapter (Chapter 9) Frances Webber details the widespread harm stemming directly from exclusionary immigration and asylum policies, which she dissects with detailed precision. Migration itself, she argues, has been redefined as a crime against the new economic order. Public policies in this context, far from being benign, cause widespread death throughout the world. To legitimise the wholesale criminalisation and exclusion of victims of globalisation, politicians harness and exploit popular racism and xenophobia. In so doing they provide aid and comfort to the far right and encourage the spread of racist violence.

While people die seeking a better life, many people die working. In May 2002, the International Labour Organisation (ILO) estimated that 2 million workers die each year through work-related accidents and diseases. This is more than 5,000 every day and it is considered to be a large underestimate of the true figure. In Chapter 10 Steve Tombs details some of the main killers in the workplace, such as cancers and respiratory disease. He also analyses the extensive social, psychological and financial harm work-related death causes before presenting the results of a detailed statistical audit undertaken into the work of the Health and Safety Executive (HSE) – the government body with primary responsibility for enforcing health and safety law in Britain. He specifically examines the work undertaken by the HSE's 'operational inspectors' – those inspectors who inspect workplaces, investigate reported injuries, and decide whether or not to impose enforcement notices or to prosecute. The chapter adds to the body of evidence that clearly indicates that the criminal law *does not* offer effective occupational health and safety protection.

Death is also the theme of Chapter 11. Danny Dorling examines 13,000 murders committed in Britain between January 1981 and December 2000. In a highly original contribution he rejects the dominant criminological conceptualisation of murder with its detailed focus on individual murderers, the victims and the *modus operandi*. Instead, he treats murder in a Durkheimian problematic as a social fact and, therefore, much more than the sum of individual acts and relates the data to social structures and social change. In particular, he shows that the majority of murders are concentrated in the poor parts of Britain.

He addresses two central questions: why are some people much more likely to be murdered than others and why are the rates of murder in Britain changing as they are? This is perhaps the most challenging part

of the chapter and raises a number of issues, which takes us beyond the traditional criminological gaze. He analyses the murder rates by age cohort and discovers that for one particular group of men – those men born in 1965 and after – their murder rate is generally increasing as they age. Most of these men left school in the summer of 1981, which was the first summer for over 40 years that a young man living in a poor area would find work or training very scarce. The situation then got steadily worse as the Conservative government pursued a neo-liberal economic agenda, which decimated the manufacturing sector in Britain. Dorling concludes that those who perpetuated the social violence and those who voted them in are the prime suspects for most of the murders in Britain.

In Chapter 12 Christina Pantazis takes a life course approach to the study of harm endured by women and girls in the developing world. These harms often result in death, disability or other serious injuries. Yet they have been largely ignored by criminology – a theme raised at the outset. The unique contribution of the chapter lies in bringing together a very wide range of research covering different regions of the developing world and detailing the most significant harms – both in terms of extent and impact – experienced by females at different stages of their lives. The analysis makes for grim reading. It illustrates that the cause of a significant amount of harm in the world stems from gender oppression, economic interests, social customs and other factors. As well as showing the widespread and devastating harm which women and girls experience worldwide during their lives, it illustrates the many advantages that a life course approach can bring to the study of social harm.

In Chapter 13, aptly entitled ‘Heterosexuality as Harm: Fitting In’, Lois Bibbings considers ways of applying a social harm analysis to heterosexuality – a hegemonic concept if ever there was one. She provides a fascinating analysis showing how heterosexuality in western societies is considered to be the only appropriate form of sexual expression and ‘real sex’ requires sexual intercourse. ‘Fitting in’ is thus a *sine qua non* of sexual activity and all other forms or practices are judged against this appropriately erect and wholly embracing construction – they are either not real sex or beyond the pale (or ‘pole’?). Gender is also a crucial aspect of this analysis. For example, as she puts it: ‘The male always comes first, is dominant and the norm against which the Other is measured ... the female comes second (if she comes at all)’.

In the second half of the chapter she explores the harm caused by the hegemonic ideology of heterosexuality in two concepts: in the family and in medicine. She begins with the family and details how the cosy

heterosexual family unit centring upon a man and a woman, married or unmarried, who cohabit in a sexual relationship and reproduce is taken as the norm, causing untold harm to those who wish to live in other forms of relationship – such as gays and lesbians, and intersex or transsexuals people. Her second example focuses on medicine and continues with the theme of fitting in. She describes a number of examples of the way surgery is used to remove or reshape healthy body parts to enforce versions of heterosexual conformity among men and women. The examples include clitoridectomy, circumcision and the surgical treatment of intersex people. The chapter concludes by briefly recognising the numerous other spheres – work, health, education, politics, to list a few – to which a social harm approach could be applied to deconstruct the dominant construction of heterosexuality.

In Chapter 14 Roy Parker focuses on children and explores the harm that children suffer and the harm that they are considered to do. He traces the different types of harm to specific children, with an emphasis on physical and sexual abuse rather than with neglect. Interestingly from a harm perspective, he argues emotional abuse is now being taken more seriously. He raises the important question of where the principal responsibility may lie: with parents, schools, care homes, penal establishments, the state or the market, which is increasingly targeting children. He explores the varied and often-inconsistent responses to the harms caused by children before making the point that no clear-cut distinction can in fact be made between the harm done to children and the harms that children do. There is considerable evidence to suggest that the children who harm have often been harmed themselves. The harm can take a variety of forms from inconsistent or erratic parenting to extensive physical attacks. In such a context, he asks, is it possible to apply the notion of criminal intent? The relationship between the two is complicated and variable. He concludes by suggesting that if harms were better documented and understood and their relative severities gauged, more appropriate policies might be adopted.

The leaders of the world have repeatedly committed themselves to eradicating poverty over the past 40 years. Unfortunately, they have singularly failed to act despite the necessary technological and economic resources being available to fulfil these commitments. In Chapter 15 Dave Gordon discusses poverty, the world's largest source of social harm. Poverty causes more death, disease, suffering and misery than any other social phenomena. Over 10 million young children die in the world each year and, in over half of these deaths, malnutrition is a contributory cause. Yet the cost of preventing these deaths is relatively small, \$13 billion per year for ten years would provide basic health and

nutrition for every person on the planet. By comparison \$30 billion was spent on pizza in the United States (US) in 2002 (Pizza Marketing Quarterly, 2003). The reasons why world leaders and policy-makers are indifferent to the death and suffering of the 'poor' is that they are an indirect consequence of the capitalist global economic system. Since no one intended all these children to die young their deaths are seen as unfortunate but not unjust. Similarly, policy-makers are unwilling to risk the likely small political harm of redistributing 0.2 per cent of the world's income to the 'poorest' (the amount needed to provide basic social services for all) even though they may desire an end to world poverty. Social harm, unlike criminology, provides a theoretical framework for examining the effects of unintended harms and therefore has something meaningful to contribute to debates on poverty – the greatest social cause of premature death on the planet.

A central premise of the book is that criminal harm forms a very small and largely insignificant proportion of the vast bulk of harms which take place daily. It is our hope that the book illustrates the types of issues and themes which we consider should be at the centre of a social harm perspective. Taken together the chapters provide a selection of the range of harms people are likely to experience during their lives, most of which will never be captured by the criminal law. In particular, the volume of preventable death is thousands of times greater than the number of deaths which are labelled as homicides. Thus the book as a whole provides a challenge to the distorting and distorted approach of criminology as an intellectual discipline. It cannot be seen as objective when it ignores so much of the more destructive and damaging harms while showing a concern with vast amounts of trivial harm both nationally and internationally. It will always be a suspect discipline as long as it bases its endeavours on a narrow set of events defined by those organisations which create so much harm – nation states. It is time to move beyond criminology and to begin to take harm seriously.

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